NOMINATIONS FOR ELECTIVE OFFICE

DALLINGER

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NOMINATIONS

FOR

ELECTIVE OFFICE

IN

THE UNITED STATES

BY

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DISCARD

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PREFACE.

MY attention was first called to the subject of nominations while pursuing a course of study in American institutions, as an undergraduate student at Harvard University. In connection with that study I found, to my surprise, that although certain phases of the present nominating system have, from time to time, been touched upon in magazine articles and elsewhere, no systematic attempt has ever been made to consider in all its bearings this very important part of our governmental machinery. It is for the purpose of supplying this deficiency that the following pages have been written. In them I have endeavored to give some account of the origin and development of our nominating system, to describe it as it exists to-day, and then to point out the evils that have arisen under it, and the remedies that have been suggested for their removal.

It has been my object throughout to look at the question from a strictly non-partisan standpoint, and to treat it entirely as a scientific study. If the enthusiastic Democrat feels inclined to consider the description of the Boston caucuses as a reflection upon his party, he can console himself by comparing them with the Republican primaries at Baltimore; while the New York Republican who is fond of reproaching his Democratic neighbor for his long and patient submission

to the yoke of Tammany, had better pause and consider the defects in his own party organization under which the autocratic rule of a "Boss" is made possible.

My study of the subject has been carried on in connection with the Seminary of American History and Institutions of Harvard University, where, under the direction of Professors Hart and Channing, every opportunity has been afforded me of pursuing my researches to the best possible advantage. The materials have been derived from a variety of sources. In the preparation of the historical part, — which is necessarily a mere outline, but which I trust may induce some historical student to work out this hitherto unexplored field, — I have used the colonial records, the diaries and correspondence of political leaders, some of the earlier histories, and especially the newspapers of the period.

The descriptive portion, so far as national politics is concerned, is based upon the public proceedings of recent conventions, supplemented by interviews and correspondence with men prominent in national affairs. In the case of nominations for State and local offices, I have been able to draw to some extent upon my own experience in Massachusetts politics during the last few years. As secretary of the Republican City Committee of Cambridge, Massachusetts, as delegate to various conventions, and as a member of the State Legislature, I have had excellent opportunities for studying the practical working of the system of nomination at present in vogue throughout the greater part of the United States.

The statements concerning the unsatisfactory conduct of caucuses and primaries in chapter v. are based upon newspaper accounts and magazine articles, verified by personal observation, and by official and semi-official publications, such as the report of Civil Service Commissioner Roosevelt upon the Baltimore primaries, and the statement of the delegation

to the Democratic National Convention chosen at the "Anti-Snappers'" convention at Syracuse in 1892.

The remedies for the evils of the present system enumerated in chapter vii. have been selected with care from an enormous mass of periodical literature which has appeared during the last fifteen years. The chapter on the regulation of nominations by law is based upon compilations of statutory enactments and other information, kindly furnished by the secretaries of state of the various States of the Union. The material for the last two chapters was drawn from the printed rules and other publications issued by the various political committees and organizations, supplemented, in the case of Cambridge, by my own experience.

In conclusion, I desire to thank Mr. Daniel Remsen for material regarding nominations in New York city, and also Mr. E. Ellery Anderson and Mr. Wallace MacFarlane for information relative to the "Snap Convention" of 1892. My thanks are also due my fellow-townsman, Mr. George G. Wright, the able and efficient secretary of the Library Hall Association, for information concerning the history and work of that unique and valuable organization. Above all, I wish to express my grateful acknowledgment to Professor Albert Bushnell Hart for the kind interest he has shown in my work from the very outset, especially in reading the manuscript and in making many valuable suggestions.

FREDERICK W. DALLINGER.

CAMBRIDGE, July 1, 1896.

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NOMINATIONS FOR ELECTIVE OFFICE IN THE UNITED STATES.

Part I.

HISTORICAL SKETCH OF NOMINATING MACHINERY IN THE UNITED STATES.

CHAPTER I.

DEVELOPMENT OF THE NOMINATING SYSTEM.

1. **Necessity of Some System.** From the very earliest times, wherever popular government has existed, the necessity of some method of selecting candidates previous to the formal election has been recognized. In the choice of the judges of Israel, as Mr. G. W. Lawton[1] has pointed out, "parlor caucuses" were not unknown, and the methods of the professional politicians of our own time can be found described in the quaint language of the Old Testament. Again, in the early days of Rome it was the custom for aspirants for elective office, clothed in the white toga, to plead their own merits before the assembled voters, from which custom our word "candidate" is derived.

Coming down to later times, when the foundations of popular government in England began to be laid on the ruins of the feudal system, we find a method of self-nomination, or self-announced candidacy, similar to the Roman custom. This was supplemented by a system of nomination by small cliques of wealthy land-owners, who at that time, on account of the limited suffrage, were able to control the parliamentary elections.[2] At

[1] *The American Caucus System* (Putnam, 1885), 26–28. See also *Book of Judges*, chapter ix.

[2] There existed also the legal nomination at the hustings on "Nomination Day," as it was called, which was open to voters of all parties, and was in fact simply a sort of preliminary election. In case no more persons were nominated than there were members to be elected, there was said to be an "uncontested election." On the other hand, where the number of nominees exceeded the number of persons to be elected, the election was said to be "contested," and a subsequent "polling" of the voters was required to be held. Since 1872, the system of nomination by a nomination paper signed by ten voters has taken the place of the old nomination day. Further, a more or less effective choice of party candidates by

the time of the settlement of the American colonies these were practically the only methods of nomination in vogue among English-speaking people, and therefore the only ones with which the colonists were familiar. In the present chapter we shall endeavor to see how the latter, in the matter of nomination as in other phases of popular government, adapted the customs which they brought with them to the new conditions which surrounded them here, and by what steps our nominating machinery has reached its present high state of development.

2. **Nominations in the Colonial Period.** Only fragmentary information can be obtained in regard to the method of nominating candidates for elective office in the colonies.[3] In the investigation of such a subject, the colonial records afford little assistance to the student, as nominations were for the most part unofficial and therefore unrecorded. Neither contemporary histories, nor the diaries and correspondence of public men, add much information; while the newspapers of the period are especially unsatisfactory and disappointing to the investigator.

From the meagre sources at our disposal, however, it appears that in the South candidacies were, as a rule, self-announced, after the English custom,[4] and this method of self-nomination, often supplemented, as in the mother country, by an agreement among the leading planters, continued to be the prevailing method of nomination for district officers in the Southern and Southwestern States down to the Civil War. The causes of its general disuse are to be found in its unpopularity in democratic communities, and its incompatibility with that unified action which is essential to party government.[5]

local organizations of the voters appears to be rapidly displacing the old practice of self-announced candidacy. The recent introduction of a modified caucus system by the Liberal party is a significant change in English political methods. See note 134 of this chapter.

[3] In all except the charter colonies — Massachusetts, Rhode Island and Connecticut — the number of elective offices was very small, being confined to members of the lower house of the colonial legislature and a few local officers.

[4] See *Writings of Washington* (Sparks), II. 388; Rowland, *Life of George Mason*, II. 52; *Letters of Joseph Jones of Virginia* (1777–1787), 145; McRee, *Life and Correspondence of James Iredell*, II. 171.

[5] At the present time it is a common occurrence, particularly in the South and West, for persons to announce themselves as candidates for a particular elective

In New England and the Middle Colonies nominations were, in some cases, also self-announced; but more frequently they were made at private conferences, or at what would now be called "parlor caucuses," of those especially interested in public affairs, — that is, by the leading men of the community. Although there were no well defined and permanent political parties, nevertheless exciting political contests sometimes occurred, and there certainly existed some sort of an agreement upon candidates previous to election corresponding to the caucus or primary of later times; and there occasionally appears to have been an agreement extending through the different towns, corresponding to the modern State convention. For instance, in Massachusetts, at the election in May, 1635, Haynes was elected governor over Ludlow, who, as one of the Assistants, felt that he was entitled to the position. According to Governor Winthrop, Ludlow "protested against the election of Governor as void, for that the deputies of the several towns had agreed upon the election before they came."[6]

In addition to self-nominations and "parlor caucuses" there existed, in some of the colonies, a system of official nomination, which, in the cases of Connecticut and Massachusetts at least, was a distinctly American invention. In New Jersey, for instance, there existed at one time a system under which in each county twenty-five nominators were chosen by lot, whose duty it was to select candidates for the colonial legislature to be voted upon at the regular election.[7] A more elaborate system of official nomination, and one possessing greater vitality, is found in the records of the Connecticut colony. By the provisions of the "Fundamental Orders" of 1638–9, a "Court of

office; but in such cases the actual choice of a candidate is almost invariably left to the party voters in their primaries and conventions. In some cases even now, a person may announce himself as an independent candidate; but as a rule, even in such cases, the aspirant or his friends usually consider it wise to go through the form, at any rate, of a nomination by some sort of a meeting of voters, or by a convention of delegates chosen at such meetings.

[6] Winthrop, *History of New England*, I. 158. See also *Letter Book of Samuel Sewall*, Mass. Hist. Coll., 6th series, I. 295.

[7] See *N. J. Archives*, I. 397, 398. Mr. C. F. Bishop in his *History of Elections in the American Colonies*, chapter iii. § 5, has a short account of this system (*Columbia College Studies*, III. 120–127).

Election"[8] was held annually for the choice of a governor and six magistrates, at which no person could be voted for unless he had been previously nominated. The deputies from each town were empowered to nominate two candidates, and the Court itself was empowered to "add so many more as they judge requisite."[9] From the list of candidates thus nominated, the governor and magistrates were then elected by the freemen of the colony.

The Charter of 1662 did not follow the Fundamental Orders in prescribing the manner of nomination and election of colonial officers, such details being left to statute law. In general, the system, as established by various orders passed at different times, was as follows. The freemen of the several towns met on a certain day and voted for twenty persons to be nominated for "Assistants," i. e. members of the council or upper house of the legislature.[10] The result of the vote of each town was then sent to Hartford, where the vote of the entire colony was counted in the presence of the two houses of the legislature; a list of the names of the twenty persons receiving the highest number of votes was sent to each town; and from this list of officially nominated candidates each freeman voted for twelve at the regular election.[11]

This unique system, which also existed for a time in Massa-

[8] The colonial legislature sat annually as a sort of official State convention.

[9] *Colonial Records of Connecticut*, I. 20–26.

[10] Until 1708, the governor and deputy-governor were chosen, like the council, from the twenty names nominated, but in the session of 1707–8 that part of the law was repealed, and thereafter the freemen were at liberty "to choose for the Governor and Deputy-Governor, when they see cause, of all or any of the freemen within this colony." (*Colonial Records*, V. 39.)

[11] The details of the system are interesting. After the first vote for the nomination of candidates on the third Tuesday in March, the ballots of each town were sealed up and taken by the town constable to the county seat; the ballots of all the towns in the county were then taken to Hartford by the constable of the county town, or by some person chosen by the different town constables. On the last Tuesday in March (which date, together with the time of the first election, was changed in 1697 to September) the votes were counted in the presence of the general assembly. By the order of 1689, the counting was done by the constables who brought the votes from the county towns; but the order of 1697 provided that the counting should be done by the general assembly itself. (*Colonial Records*, IV. 11 and 224).

chusetts,[12] survived in Connecticut down to the adoption of the present State constitution in 1818; and from 1789 to 1818 the Connecticut members of the National House of Representatives were chosen by the same general method.

3. **The Origin of the Caucus.** With the commencement of the struggle between the colonies and the crown, permanent party lines began to be drawn for the first time. At the beginning it was a contest between the "court party," or the friends of the royal governor, on the one hand, and the "popular" party, or the friends of colonial self-government, on the other; later the contending factions took the definite names of Whig and Tory, — the opponents and supporters of the colonial policy of the crown. As the struggle progressed, numerous patriotic societies sprang up in all the colonies, corresponding to the Jacobin clubs of the French Revolution, although differing widely from the latter in their methods. These organizations not only kept alive the agitation which finally resulted in American independence, but also in many sections nominated the Whig candidates for the various elective offices. This was especially true in Massachusetts, where these clubs were generally known as "caucuses."[13]

[12] See *Records of the Colony of Massachusetts Bay*, II. 21, 286–7, and *Colonial Laws of Massachusetts* (Boston, 1889), 149–150; see also *Plymouth Colony Records*, III. 187. This curious system of official nomination may have been an adaptation to new conditions of the ancient custom of nomination, or rather of indirect election, of members of Parliament in some of the English boroughs, notably in York. See Stubbs, *Constitutional History of England*, III. 417.

[13] The derivation of the word *caucus*, which first appeared about 1724 in Massachusetts, is still in doubt. According to colonial writers the word was originally a corruption of *caulkers*, — the word "meeting" being understood, — from the fact that it was first applied to political meetings attended chiefly by shipbuilding mechanics or caulkers at the north end of Boston. Mr. Horace Scudder, however, considers this to be a "fanciful derivation." (*Memorial History of Boston*, II. 443.) According to another theory the word comes from the Greek word καυκίον, meaning a cup (*Century Dictionary*, I. 866), a derivation suggested by the convivial features of some of the early caucuses; but this is certainly far more fanciful than the first theory. Of late years attempts have been made to discover an Indian derivation for the word. For instance, Dr. J. H. Trumbull of the American Philological Society has suggested a possible derivation from an Algonquin word meaning "one who talks with" and hence "advises or urges," which occurs in Captain Smith's *Virginia*. (*Murray's New English Dictionary*, Part V. 191.) In support of this derivation it is asserted that Indian names were com-

4. **The Pre-Revolutionary Caucus.** Inasmuch as the caucus of the Revolutionary period was the prototype of the caucus, or primary, of to-day, a brief description of the earlier institution may not be out of place. Gordon, in his history of the Revolution, thus describes the object and procedure of the early caucuses:

"It [i. e. the word caucus] seems to mean a number of persons, whether more or less, met together to consult upon adopting and prosecuting some scheme of policy for carrying a favorite point. The word is not of novel invention. More than fifty years ago Mr. Samuel Adams' father and twenty others, one or two from the north end of the town, where all the ship business is carried on, used to meet, make a caucus, and lay their plans for introducing certain persons into places of trust and power. When they had settled it, they separated, and used each their particular influence within his own circle. He and his friends would furnish themselves with ballots, including the names of the parties fixed upon, which they distributed on the day of election. By acting in concert, together with a careful and extensive distribution of ballots, they generally carried the elections to their own mind. In like manner it was that Mr. Samuel Adams first became a representative for Boston." [14]

monly taken by clubs and secret societies in New England. But according to the late Professor Horsford, an eminent authority on the Indian dialects of New England, whose opinion the writer was fortunate enough to secure shortly before his death, the only Indian word for "talker" or "counsellor" in use in New England was "sagamore;" and he was of the opinion that the derivation given by the colonial writers was more probably correct, i. e. that the word was originally a corruption of "caulkers," being probably applied in derision by the Tories to political meetings of the Whigs held in Boston.

In spite of considerable opposition from the more fastidious (e. g. see Niles's comments in 1820, *Niles's Register*, XVIII. 97, and the forcible words of Governor Troup of Georgia in 1823, *Niles's Register*, XXV. 292–3), the word "caucus," whatever its derivation, came to be used more and more until it has come to be firmly implanted in the language. Moreover, in recent years, both the word and the institution have been introduced into England by the leaders of the Liberal party. In this country the word, at least in the legislative sense, is in common use everywhere, but as applied to primary meetings of the party voters its use is confined chiefly to New England and those parts of the West dominated by New England influence; elsewhere the institution of the caucus is commonly known by the terms "primary" or "primary election."

[14] Gordon, *History of the American Revolution*, 3rd Am. ed., I, 240, note.

During the early period of its existence this caulkers' or caucus club was composed of a few persons who met at each other's houses and there made up lists of candidates for the annual election. Later, however, the membership was increased, among the new acquisitions being such men as Otis, Warren, Hancock, Pemberton, Austin, and John Adams.[15] Gradually the meetings of the club came to be more publicly held, and in the formation of a "ticket" a conference committee was frequently appointed to act in conjunction with a similar committee appointed by the "Merchants' Club," another political organization of the same character. The following account of the caucus club, during this later period, is found in the diary of John Adams, shortly before he became a member:[16]

"Boston, February. This day learned that the Caucus Club meets at certain times in the garret of Tom Dawes, the Adjutant of the Boston Regiment. He has a large house, and he has a movable partition in his garret which he takes down, and the whole club meets in one room. There they smoke tobacco till you cannot see from one end of the garret to the other.[17] There they drink flip, I suppose, and there they choose a moderator who puts questions to the vote regularly; and selectmen, assessors, collectors, fire-wards and representatives are regularly chosen before they are chosen in the town."[18]

[15] Wells, *Life of Samuel Adams*, I. 85–6.

[16] In 1763. See *John Adams' Works*, (1850 ed.) II. 144.

[17] This feature of tobacco smoke at caucuses still prevails in all its pristine vigor.

[18] Fifty years later (1809) we get another view of the same institution from the pen of Dr. Eliot:

"From the year 1768," he says, "a number of politicians met at each other's houses to discuss public affairs, and to settle upon the best methods of serving the town and country. Many of these filled public offices (cf. participation of office-holders in primaries to-day). But the meetings were private and had a silent influence upon the publick body. In 1772, they agreed to increase their number, to meet in a larger room, and invite a number of substantial mechanicks to join them, and hold a kind of *caucus, pro bono publico*. They met in a house near the north battery, and more than sixty were present at the first meeting. Their regulations (corresponding to party rules) were drawn up by Dr. Warren and another gentleman. . . . It answered a good purpose to get such a number of mechanicks together; and though a number of Whigs of the first character in the town were present, they always had a mechanick for moderator, — generally one who could carry many votes by his influence. It was a matter of policy, likewise to assemble

That the Caucus Club, or "North End Caucus," as it later came to be called, was a recognized institution in 1764, is shown by the following warily worded appeal:

TO THE FREEHOLDERS, &c. Modesty preventing a personal application (customary in other places) for your interest to elect particular persons to be your representatives, we therefore request your votes for those gentlemen who have steadily adhered to your interest in times past, especially in the affair of Trade, by sending timely instructions, requested by our agent, relating to Acts of Trade, late pending in Parliament. Your humble servants,

The Caucus.[19]

To the North End Caucus is due a famous historical event, — the Boston Tea Party. "As the time approached when the tea ships might be expected," says Mr. Frothingham, in his *Life and Times of Joseph Warren*, "the subject was considered in the North End Caucus. . . . This body voted (October 23) that they would oppose with their lives and fortunes the landing of any tea that might be sent to the town for sale by the East India Company." At a subsequent meeting it was voted "that the tea shipped by the East India Company shall not be landed."[20] The *modus operandi* of the caucus in regard to the nomination of candidates may be seen by the following entry in the journal on the day before the election of 1772:

Voted, — That this body will use their influence that Thomas Cushing, Samuel Adams, John Hancock and William Phillips be Representatives for the year ensuing.

Voted, — That Gibbons Sharp, Nathaniel Barber &c. . . . be a Committee to distribute votes for these gentlemen.[21]

In addition to the North End Caucus and the Merchants' Club, to which reference has already been made, there were

at that part of the town. It had the effect to awake the *north wind* and stir the *waters* of the *troubled sea*. By this body of men, the most important matters were decided — they agreed who should be in town offices, in the general court and in the provincial congress from Boston." Eliot, *Biographical Dictionary*, 472–3.

[19] *Boston Evening Post*, May 4, 1764.

[20] *Life and Times of Joseph Warren*, 238–40.

[21] See Wells, *Life of Samuel Adams*, I. 471.

numerous other organizations of a similar character, of which the most important were the "South End Caucus" and the "Middle District Caucus."[22] All of these organizations were societies or clubs rather than public meetings of the voters;[23] but they evidently performed exactly the same function as our caucuses and primaries to-day. As there were a number of them situated in different parts of the town, they may fairly be considered as identical with the Boston ward caucuses of the present day. The private and more or less secret character of the meetings was simply a necessary precaution to prevent the Tories from learning the plans of the patriot party.[24] Furthermore, the appointment of a conference committee by one caucus to confer with a similar committee from each of the other organizations was nothing more nor less than a rough sort of delegate convention.

Outside of New England during the Revolutionary period, nominations for the various elective offices, particularly that of delegate to the Continental Congress, appear to have been made by branches of the "Sons of Liberty," by the Committee of Correspondence, or by a Conference Committee composed of delegates from these and kindred organizations. For instance, in New York, on July 4, 1774, the Committee of Correspondence nominated five delegates to the Continental Congress "for recommendation to the free-holders of the city." A call was then issued for a general meeting of the citizens "to concur in the nomination or choose others." At this general meeting the Committee of Correspondence was authorized to appoint a committee to confer with a similar committee from the Mechanics' Club in regard to arrangements for taking a vote in the different wards; and as a result of this conference, July 28th was appointed for the election. Before the election the candidates for delegates originally nominated by the Committee of Correspondence, having subscribed to the non-importation agreement,

[22] Frothingham, *History of the Siege of Boston*, 29.

[23] Very similar to the Republican Assembly District Associations in New York city at the present time.

[24] This was simply an expedient for attaining the same end that we now aim to secure by the party check-list and the challenging of doubtful voters, namely, the prevention of members of the opposite party from participating in the meeting.

received the indorsement of the Mechanics' Club, and were subsequently unanimously elected at the polls.[25]

5. **The Post-Revolutionary Caucus.** By the beginning of the Revolution the caucus or primary had become pretty well established in New England and the Middle States. With the close of the war it gradually lost its secret character, which had been rendered necessary by the exigencies of the time, and became a miniature town-meeting of the party voters of the ward or district. In New England, except in some of the large cities, and in those sections of the country settled by New England people, the caucus still retains its original town-meeting character; but in the other States, with the growth of population, the "primary" has come to be a mere polling place for the election of delegates to the various conventions, and of members of the local party committee, there being no opportunity whatever for any discussion of the merits of the various candidates. The inevitable result has been that the real work of nomination has largely fallen either into the hands of "parlor caucuses,"[26] or of political committees and clubs, — the power of the individual voter being restricted to a choice between candidates agreed upon at such preliminary secret conferences, or named by such organizations.

Human nature, however, has not changed very much in the last hundred years, and so-called "modern" political methods are nothing new after all. For instance, in the "Minutes of the Supreme Executive Council of Pennsylvania," for 1782, we find the consideration of certain alleged frauds in the election of a councillor for the county of Philadelphia, at which the State militia stationed there at the time had been allowed to vote. According to a minority report of certain members of the Council, it appears that "tickets were formed by the officers without the consent of the privates only on the morning of the

[25] See *Memorial History of New York*, II. 438–41; also John C. Hamilton, *Life of Alexander Hamilton* (last ed.), I. 54–7.

[26] The reader is not to infer that there are no parlor caucuses in New England; but where the caucus is a small body, and opportunity is afforded for public discussion of the merits of candidates, there is always a chance of breaking a "slate" made at a previous parlor caucus, which does not exist where the primary is simply a polling place.

election, or even after that time, and that the greatest part of the militia who voted at the election voted under the orders of General Lacey." From various pieces of evidence, particularly the fact that those soldiers who voted the "regular" ticket were given permission to return to their homes, the gentlemen signing the minority report concluded that the election in question was not "free and voluntary," as prescribed by the State Constitution, and consequently was unconstitutional and void.[27] The interesting thing for us in the whole matter is the fact of a secret caucus of the officers for the nomination of a "ticket" or list of candidates, accompanied by bribery of the private soldiers at the polls; this shows that "machine politics" existed at that early time, and that the professional politicians of our day had their progenitors among the Revolutionary fathers.

6. **The Early Congressional Nominating Caucus, 1788–1804.** The adoption of the Federal Constitution of 1787 introduced for the first time the election of national officers. In 1788 and again in 1792 Washington was the sole candidate for the Presidency, being nominated, as it were, by general consent. In regard to the Vice-Presidency, in 1788 there was no previous agreement, as is shown by the scattering votes in the electoral colleges. In 1792, however, although there is no evidence of any meeting, public or private, it was generally understood that the electors opposed to Hamilton's financial policy would vote for George Clinton. The existence of such an understanding is proved by the fact that there were only four scattering votes for Vice-President, all the rest of the electors voting either for Adams or Clinton.

In 1796, there is no conclusive evidence that any formal meeting was held by the members of Congress of either party. Adams and Jefferson, however, were the recognized candidates of the Federalist and Republican parties for the Presidency. But although Adams was designated by general consent of his party, nevertheless there appears to have been some secret electioneering on the part of Hamilton to frustrate the wishes of the great mass of the Federalists. The chief ground for this belief is the positive statement of John Adams.

[27] *Pennsylvania Colonial Records*, XIII. 222–32.

In 1808, in speaking of the institution of the caucus in general, he says:

"Alexander Hamilton was the greatest organist that ever played upon this instrument. He made all the use he could of those bodies of Cincinnati and others, to prevent Mr. Adams from being chosen Vice-President. . . . At the second election, he was pleased to permit Mr. Adams to have a considerable majority as Vice-President. At the third election he intrigued with all his might to get Major Thomas Pinckney chosen President."[28]

Whether Hamilton's intrigues included the calling of a caucus of the members of Congress, such as Adams says that he did call in 1800, does not appear. There is, however, some evidence of a Republican caucus in 1796, in the fact that Aaron Burr received the votes of five entire States for the Vice-Presidency, showing the existence of some previous understanding.[29] Moreover, one of the chief reasons urged for the holding of a caucus in 1800 was the complaint made by the Northern Republicans that Burr had not been supported in 1796 "as he ought to have been" by the party in the South. This shows clearly that Burr was understood to be the "regular" party candidate.[30]

Whatever may have been the case in 1796, the evidence is clear that in 1800 the candidates of both the Republican and Federalist parties were nominated at a caucus of the party members of the two Houses of Congress. The Republican caucus, which was strictly private, and the proceedings of which were never published,[31] is said to have been held in May, 1800, at Marache's boarding-house in Philadelphia, and to have been attended by forty-three Republican members of Congress "besides many distinguished citizens."[32] According

[28] John Adams, *Works*, VI. 543.

[29] The States were Pennsylvania, Maryland, North Carolina, Kentucky, and Tennessee.

[30] See *Niles's Register*, XXV. 258.

[31] Niles says that if the proceedings had been published (or written), a copy ought to have appeared among the papers in his possession; but in spite of the most painstaking search he failed to find one. See *Niles's Register*, XXV. 258.

[32] *Niles's Register*, XXVII. 66.

to another account, there were present thirty-seven representatives and nine senators.[33] In speaking of this caucus in 1824, Senator Smith of Maryland said: "It was believed that his success[34] was owing to want of a conjoined effort, a concentration of force on the part of the friends of Mr. Jefferson. A caucus was in consequence held in Philadelphia, the object of which was to make a conjoined effort to concentrate the strength of the party and to bind each to the other, that they would use their best exertions to promote the election of Mr. Jefferson. I did not attend, but I believe that every other member of either House friendly to Mr. Jefferson did attend." [35]

This deficiency in Senator Smith's testimony is partially made up by Hammond, the careful and painstaking historian of the politics of his native State of New York. According to him, there appear to have been two caucuses held, or rather two meetings of the same caucus (i. e., a caucus and an adjourned caucus). At the first, it was agreed that the candidate for Vice-President should be taken from New York. But as the members of the caucus were ignorant of the wishes of the New York Republicans, they requested Mr. Gallatin to communicate with the latter. Accordingly, Gallatin wrote a letter to Commodore Nicholson of New York, requesting him to "converse frankly and freely with the gentlemen who had been named as candidates," and after consultation with others to inform him (Gallatin) of the result of his inquiries. The Commodore, after looking over the field, arrived at the conclusion that Governor Clinton would be the most available candidate, and was upon the point of sending a letter recommending him to the Congressional Caucus; but before he sent the letter he showed it to Burr, who expressed himself as dissatisfied with the recommendation, and, after some consultation with him and his friends, Clinton's name was erased and that of Burr inserted in its place.[36] On the arrival of the

[33] Extract from a paper known as the *Democratic Press*, printed in the *National Intelligencer*, and commented on in *Niles's Register*, XXV. 402.

[34] This refers to Adams' election in 1796.

[35] Benton, *Abridgement of the Debates of Congress*, VII. 532.

[36] *History of Political Parties in the State of New York*, I. 138.

Commodore's letter at Philadelphia, a second meeting of the Congressional caucus was held, at which Burr was nominated as the Republican candidate for Vice-President.

In regard to the Federalist caucus of 1800, our information is very meagre. It is pretty certain, however, that such a meeting was held, probably in the Senate chamber, in the early part of 1800.[37] Whatever its proceedings, it drew down upon itself the anathemas of Benjamin Austin, a prominent Massachusetts Republican. "If anything will arouse the freemen of America," said he, "it must be the arrogance of a number of members of Congress to assemble as an electioneering caucus to control the citizens in their rights. . . . Under what authority did these men pretend to dictate their nomination? . . . Do we send members to Congress to cabal once in four years for President? Or are we arrived at such a pitch of Congressional influence that what they decide on is to be binding on the United States? Is there any paragraph in the Constitution which gives them such an authority or even countenances such a proceeding? After Congress have accomplished their legislative business have they a right to dictate in the choice of an executive? If so, what an imposition on 'the people' to talk about the freedom of election, or what consequence is it that the State legislature should concern themselves in the mode of choosing electors. . . . "[38]

Although, as we have seen, caucuses of members of Congress for the purpose of nominating candidates for the Presidency and Vice-Presidency were held in 1800 and probably in 1796, it was not until 1804 that the first regularly called caucus for that purpose took place.[39] From that time until 1824, the Congressional caucus was the regular nominating machinery.[40]

[37] See quotation from the *Aurora* in McMaster, *History of the People of the United States*, II. 462–3; see also John Adams, *Works*, VI. 543, 544.

[38] *Constitutional Republicanism as opposed to Fallacious Federalism*, &c. (Boston, 1803), 87, 88. Although aimed at the Federalist party, Mr. Austin's criticism evidently applied with equal force to the Congressional caucuses of his own party.

[39] *Niles's Register*, XXV. 258.

[40] Throughout this period the party candidates for presidential electors in the different States were all nominated by a joint caucus of the party members of the legislature. E. g., see Benton, *Abridgement*, V. 111 and 117, 118; *Niles's Register*, II. 32; X. 16, 64; XVII. 425; XXVII. 164.

The organization and procedure of such a caucus were the same as that of a joint caucus of the party members of the two Houses of a State legislature of the present day, held for the nomination of a candidate for United States senator.[41]

7. **Continuance of the Congressional Caucus, 1804–1824.** From the beginning the caucus had to encounter opposition such as was voiced by Austin. The assumption by Senator Bradley of the right, as chairman of the caucus of 1804, to call a similar caucus in 1808, aroused considerable opposition at the time, but it soon subsided.[42] Again in 1812, the bolting "Peace Republicans," in their address in favor of the candidacy of De Witt Clinton, declared that "the nomination of a candidate for the Presidency of the United States by an association of members of Congress, convened at the seat of government, is hostile to the spirit of the federal constitution, dangerous to the rights of the people, and to the freedom of election."[43] Two years later, in 1814, Mr. Gaston of North Carolina made a most bitter attack on the Congressional caucus system, denouncing it as a direct violation of the spirit of the Constitution.[44]

The result of the Republican caucus of 1816, however, did more than anything else to arouse the mass of the people against the system. William H. Crawford, a man whom the people at large had never thought of for President, came near to receiving the Republican caucus nomination, which was at that time equivalent to an election; and this seems to have excited alarm even in the minds of some who, eight years later, were the most strenuous advocates of the caucus system. For example, the "National Intelligencer" of April 8, 1816, in a very outspoken editorial upon the subject, said: "So strongly impressed, indeed, are we with the conviction that the sense of the people was not truly represented in that meet-

[41] See chapter iv. § 8, of the present volume.

[42] See *Niles's Register*, XXV. 244.

[43] *Niles's Register*, III. 17. De Witt Clinton was nominated for the Presidency by a caucus of the Republican members of the New York Legislature. He was subsequently chosen as the Federalist candidate at an irregular convention of Federalist delegates from the different States, held in New York City.

[44] Benton, *Abridgement*, V. 113–5.

ing, from whatever causes, that our confidence in the expediency of this mode of collecting the general sentiment is shaken, — we had almost said destroyed. . . . Should the day unfortunately ever arrive when a nomination should be made averse to the public sentiment, the evil of this system will be felt." [45]

With the "Era of Good Feeling" there came a lull in the opposition to the Congressional caucus, but towards the latter part of the summer of 1822 the latent hostility broke out afresh. The first gun was the nomination of Andrew Jackson for the Presidency by an informal meeting of the members of the Tennessee Legislature in August.[46] The friends of Jackson thus announced that they would not be bound by a Congressional caucus, but that they proposed to substitute another mode of nomination. Their example was followed by the friends of Clay, who nominated their favorite at a similar meeting of the members of the Kentucky Legislature, held in November.[47] From this time on Jackson, Clay, Adams, and even Crawford, at different times, were formally nominated either by State legislatures acting in their official capacity, or by State legislative caucuses.

An exciting controversy between the friends and the opponents of the Congressional caucus now began to be waged both in the newspaper press and elsewhere. The system was defended by the "American Sentinel" of Philadelphia, the "Richmond Enquirer," and other ultra-Republican organs; while the principal opponent on the part of the newspaper press was "Niles's Register."

In April, 1823, a caucus of the Republican members of the New York Legislature adopted a set of resolutions urging the holding of a Congressional caucus in 1824.[48] In October the opponents of the system adopted the same tactics. The Tennessee Legislature, in its official capacity, passed resolu-

[45] For other attacks upon the system made at this time, see speech by Representative Hammond of New York, Benton's *Abridgement*, V. 678–9; also the resolutions adopted by the House of Delegates of the Maryland Legislature, *Niles's Register*, XI. 314, 315.

[46] *Niles's Register*, XXII. 402.

[47] *Ibid.*, XXIII. 245.

[48] *Ibid.*, XXIV. 135, 136.

tions condemning the caucus system in the most violent terms as "inexpedient, impolitic, and against the spirit of the Constitution."[49] Similar resolutions were adopted by the legislatures of Maryland[50] and Alabama.[51] On the other hand, the system was defended by legislative caucuses of the Republican members in Maine[52] and Virginia.[53]

In addition to the hostile action of State legislatures, mass meetings of the people were held all over the country at which resolutions were passed denouncing the caucus system, and calling upon members of Congress not to attend such a caucus in 1824.[54] Strengthened by this outburst of public sentiment, the slumbering opposition in Congress itself broke out with renewed vigor. Early in January, 1824, fourteen of the Republican members from Pennsylvania issued an address to their constituents giving their reasons for refusing to attend a Congressional caucus; although, unlike their colleagues from other States, many of them had not been instructed to that effect.[55] Towards the end of January, 1824, according to John Quincy Adams, Mr. Ingham of Pennsylvania called a meeting to form an anti-caucus organization, at which it was voted to canvass both Houses of Congress in order to ascertain the sentiment of the members on the caucus question.[56]

By the first of February it became evident that a large majority of the members were opposed to the holding of a caucus, and that they would not attend one if held. The friends of William H. Crawford, however, were determined that such a meeting should be held, and a call was issued on February 6th, signed by eleven members of Congress.[57] In accordance with this call, a caucus was held on the evening of February 14th, in the Representatives' chamber. Out of two hundred and sixteen Republican members only sixty-six attended, practically all of whom were friends of Mr. Crawford;

[49] *Niles's Register*, XXV. 137–9.
[50] *Ibid.*, 260.
[51] *Ibid.*, 308.
[52] *Ibid.*, 370.
[53] *Ibid.*, 292.
[54] *Ibid.*, XXV. 17, 18, 40, 41, 130, 167, 242, 243, 258, and 385.
[55] *Ibid.*, XXV. 306, 307.
[56] *Memoirs of John Quincy Adams*, VI. 235, 236.
[57] *National Intelligencer*, February 7, 1824.

and that gentleman received all except four of the votes cast for a candidate for President.[58] Although the caucus of 1824 issued an address to the Republicans of the United States, defending the system and urging them to support the caucus nominee, it was evident that the Congressional caucus system was a moribund institution. At the election in November the people repudiated it at the polls, and no serious attempt was ever made to revive it.[59] In the campaign of 1828, which was commenced almost immediately after the inauguration of Adams, the candidates were nominated by State legislatures, State legislative caucuses, public meetings, and by irregular conventions of the people.[60] In 1832, with improved means of transportation, this confused and irregular system of State nomination gave way to the national convention, which is in vogue to-day.

Adopted at the time of the bitter struggle between the Republican and Federalist parties as the only practicable method of uniting a national party upon a single candidate, the Congressional caucus was tolerated by the people so long as it resulted in the nomination of able men, — so long as it followed and did not attempt to lead public opinion. Just as soon, however, as it presumed to dictate to the people, the people discovered that they had no voice in the nomination, and thereafter the system was doomed. The friends of Jackson, Adams, and Clay were quick to seize upon this growing unpopularity of the system, and to turn it to the disadvantage of Crawford, their common rival, who relied for success entirely upon the caucus nomination. The downfall of the system was hastened by the obliteration of party lines, and by the fact that the caucus candidate was the least popular of the four aspirants to the Presidency. Again, one failure to unite the party upon a single candidate was sufficient to

[58] For a description of this caucus the reader is referred to *Niles's Register*, XXV. 388–92, and 403. It is to be noted that the old Federalist party had entirely disappeared, and that all the members of Congress, with the exception of a few from some of the old Federalist States, were nominally members of the Republican party.

[59] See *Niles's Register*, LXII. 357.

[60] *Ibid., passim.*

destroy a system which had been tolerated only for its supposed efficacy in accomplishing that result. During the years 1822 and 1823 the people became accustomed to new and more democratic modes of nomination, and it was against the nature of things that they should be content with the old oligarchical method of Congressional dictation. If we look at the Congressional caucus in the light of history, our wonder is not that the system fell in 1824, but rather that for so many years it was permitted to retain the power of disposing of the highest office in the gift of the American people.

8. **Development of the Nominating Convention in Pennsylvania.** In the early days of the republic nominations for local officers and for State and national officers chosen by districts, except where the system of self-announced candidacy prevailed, were made at mass meetings of the party voters of the town or district. As population increased, these meetings gradually developed into irregular conventions of self-appointed delegates, and from thence into regular nominating conventions such as exist to-day. This development, which was practically the same in all the States, may perhaps be best shown by taking two States as examples, namely, Pennsylvania and Massachusetts.

In Pennsylvania we find that in the fall of 1789, a public meeting of the Federalist voters of Philadelphia was held in the State House yard to nominate candidates for the State legislature.[61] In 1794, candidates for Congress and for members of both branches of the State legislature for the county of Philadelphia were nominated "at a large and respectable meeting of the Freemen, . . . held at widow Lether's in Germantown,"[62] evidently an irregular county convention. Similar conventions were held in the other counties of the State, at which a candidate for governor was also sometimes nominated, although the so-called "nomination" of a candidate

[61] *Pennsylvania and the Federal Constitution*, edited by McMaster and Stone (Phila. 1888), 9.

[62] *Gazette of the United States*, Oct. 3, 1794. At a similar meeting in 1796, a complete ticket for both branches of the City Council was nominated. See *Gazette of the U. S.*, Sept. 30, 1796.

for governor was in reality nothing but a ratification of the action of a previous State legislative caucus or convention. These irregular meetings of self-appointed delegates very soon, however, developed into regular conventions composed of a fixed number of delegates chosen at primary meetings in the various towns and wards. For instance, in 1799, we find that "at a meeting of citizens of the city of Philadelphia at Dunwoody's tavern a committee of three from each ward was appointed" to attend a county convention to nominate a candidate for senator.[63] In 1800, a Congressional district convention for the district comprising the counties of Bucks, Montgomery, and Wayne was held at Easton, composed of five delegates from each county, chosen by the county conventions.[64]

About 1800, we begin to find published calls for these conventions in the newspapers. At first the calls were anonymous, but with the rise of permanent party organizations they came to be signed by the chairman and secretary of the district committee. The following is a sample of one of the earlier published calls:

> The Federal Republicans of Chester County are requested to meet in the respective townships of said county on Saturday the 11th day of September next, in order to choose two suitable persons in each Township to meet in General Committee at a County Meeting to be held at the Court House in West Chester on Tuesday the 14th day of September ensuing, to nominate suitable persons for Senator, Representatives, and other officers for said county the ensuing year. Also to appoint two Conferees to meet at the house of John Houston in Church Town, Lancaster County, on Saturday the 25th of September, with such other conferees as may be appointed by the counties of Lancaster and Berks to fix on three suitable persons for Representatives in Congress.
>
> August 17, 1802.[65]

From the foregoing evidence, it appears to be plain that by the beginning of the present century in the case of all elective officers, except those voted for by the people of the State at large, the Convention system was firmly established in

[63] Claypoole, *American Daily Advertiser*, Aug. 22, 1799.
[64] *The American Eagle*, Easton, Pa., July 17, 1800.
[65] *Gazette of the United States*, Aug. 27, 1802.

Pennsylvania on substantially the same lines as we find to-day. Although at first considerable irregularity existed, the system very soon settled down to its present orderly arrangement.[66]

9. **Development of the Convention in Massachusetts.** Although during the Revolutionary period Massachusetts took the lead in political organization, nevertheless during the years immediately following the adoption of the Constitution she appears to have fallen behind Pennsylvania in this respect. The lack of party organization is shown by the large number of candidates for each office, many of whom were put in nomination by a personal letter from some friend or admirer addressed to the editor of some party paper. The following is an example of this peculiar and interesting mode of nomination:

TO THE FREE ELECTORS OF THE THREE FIRST DISTRICTS.

FELLOW CITIZENS: — With a right idea of the delicacy of the measure, but with a sincere reliance on your known candour, I beg the indulgence of mentioning the Hon. David Cobb Esquire as a candidate for your suffrages as a Representative in Congress for the three districts at large, &c.

(Signed) AN ELECTOR.[67]

These epistles, many of them nominating whole tickets of congressmen and Presidential electors, were signed by such names as "A Farmer," "Whole Truth," "Fidelitas," "Candidus," "Middlesex," "Union," "Freeman," etc.

In October, 1794, we find that at a caucus of the Republican voters of the Boston district, Dr. Jarvis was nominated as the Republican candidate for Congress against Fisher Ames. According to Republican authority there were seven hundred voters present at the caucus, while the Federalist papers

[66] In September, 1811, the Democratic Convention of Philadelphia County adopted a resolution (i. e. a party rule) that nominations for all offices except judges and inspectors of election should be made by a delegate convention composed of delegates chosen at the ward meetings, each of the larger wards to be entitled to five, and the smaller wards to three delegates. This action of the Convention was subsequently ratified by mass meetings of the voters. (*Aurora*, Sept. 20, and Oct. 15, 1811).

[67] Boston *Centinel*, Oct. 31, 1792.

asserted that there were not more than one hundred present, and that the nomination was in reality made by the Boston "Jacobin Club." [68]

The following is an ultra-Federalist account of a Republican Congressional Convention held at Abington in 1798:

> A convention of Parisian cut throats assembled in *solemn divan* at *Abington* in the county of Plymouth on Monday last, for the purpose of selecting some *devotee* of republicanized *France* as a candidate for the democratic suffrages in this District for Federal Representative at the approaching election. They were convened in consequence of anonymous circular letters, addressed to several leading characters of their party in the several towns of the District inviting the jacobin interest to delegate certain characters of their brethren to meet in council at the aforementioned place and for the above purpose.[69]

The writer adds that, of the "self-created delegates" from a certain town, one was "a common drunkard that would barter the freedom of his country for a dram;" another was "a perfect Marat not only in personal resemblance but in character."

In 1802 both the Federalist and Republican parties held congressional and county conventions in the different sections of the State,[70] and from that time on the delegate convention appears to have been the prevailing method of nomination for all district officers. These conventions were at first called by vote of a caucus in some one city or town, an invitation being extended to the party voters of the other cities and towns in the district to send delegates to a convention to be held at some designated time and place.[71] Gradually, however, with the growth of party organizations, as in Pennsylvania, the call came to be issued to the district or town committee. These committees appear in some instances to have exercised the function of nominating the party candidates.[72] For instance,

[68] See *Centinel*, Nov. 1, 1794.

[69] *Columbian Centinel*, Oct. 17, 1798.

[70] See *Columbian Centinel*, Sept. 18, *et seq.*

[71] The Federalists of Suffolk County, however, continued for many years to nominate their ticket for State Senators and county officers at a mass meeting or county caucus held at Concert Hall in Boston.

[72] *Independent Chronicle*, Sept. 26, 1808.

we find that in 1820, Benjamin Gorham was nominated as the Republican candidate for Congress from the Boston district by the Republican city committee, composed as at present of the members of the different ward committees.[73] The nomination, however, was subsequently ratified by a "general caucus" of the party voters of the district. This method of nomination by district committees still exists to-day. Even in Massachusetts, where the primary caucus is most carefully guarded, it frequently happens that in those city districts where a party is in a decided minority, the caucus leaves the selection of candidates for representative to the ward committee.

In the early conventions it was usual in Massachusetts, as elsewhere, to pass a vote that the proceedings of the convention be published in the leading party organ, signed by the chairman and secretary.[74] The first case found in which the call for a convention prescribed the exact number of delegates to which each town was entitled in the convention, was in 1808. The practice of "snap conventions" appears to have originated early, for in 1828 we find complaint that the Middlesex County Convention was not properly advertised.[75]

10. **State Nominations by Legislative Caucus.** In regard to the officers elected by the people of a State at large, viz., the governor and lieutenant-governor,[76] the method of nomination underwent a curious development. During the years immediately following the adoption of the Constitution, candidates for governor were nominated at a meeting of party voters from the different parts of the State, held at the principal city, — a sort of State caucus or primary. Owing to the difficulty and expense of travelling in those days, the number of persons from distant parts of the State was necessarily small, and

[73] *Columbian Centinel*, Oct. 21, 1820.

[74] The same was true of the early caucuses and primaries. It is principally from this source that we are able to discover the mode of procedure of the earlier nominating bodies, as the newspapers themselves are singularly lacking in accounts of such meetings.

[75] See *Independent Chronicle*, March 19, 1828.

[76] The other executive officers of the State were, as a rule, at this time either appointed by the governor, or elected by the legislature.

hence the gathering was in reality a State convention composed of the political leaders in the different sections. In Pennsylvania, for a short period, the two parties held regularly called State conventions composed, as at present, of delegates chosen by the party voters in the different counties.[77]

The adoption of this system in the nomination of party candidates was natural, as the people were familiar with the convention in the framing of their State constitutions as well as in the ratification of the new Federal Constitution. The first period of the State convention, however, was not of long duration. Gradually the party members of the legislature usurped the power of nominating the State ticket, and by 1800[78] the Legislative caucus system was the prevailing method of nomination. This adoption of a less democratic method is probably to be accounted for by the difficulty of communication between different parts of a State. In State as well as in national politics the Legislative caucus was adopted as the easiest method, since the members of the legislature were already assembled, and represented most sections of the State. It must be clearly understood that so far from the Congressional caucus being adopted in imitation of the method in vogue in the States, it was generally, as in other matters of legislative procedure, just the other way; the Congressional caucus preceded in point of time that of the State legislature.[79]

[77] The first regularly called State convention of which the writer has been able to find any account was held at Harrisburg, Pa., in the fall of 1788. See *Pennsylvania and the Federal Constitution* (McMaster and Stone, 1888), 554; see also *Pennsylvania Gazette*, Nov. 26, 1788.

[78] The first nominating legislative caucus in New York was held in 1795 (see Hammond, *History of Political Parties in the State of New York*, I. 90; also Jay, *Life and Writings of John Jay*, I. 355); the first caucus of a similar character in Pennsylvania occurred in 1799 (Claypoole, *American Daily Advertiser*, Aug. 22, 1799); the first recorded legislative caucus in Massachusetts was held in 1800 (see T. C. Amory, *Life of James Sullivan*, II. 65).

[79] Throughout the legislative caucus period the casual reader of the newspapers may easily mistake the terms used. For instance, in 1808 the Pennsylvania papers have a great deal to say about the Democratic-Republican State "convention" of that year, at Leicester. The true character of the body, however, is shown by the first sentence of the proceedings, viz.: "all the delegates appointed by the Democratic citizens of the several counties not represented in the general assembly,

These legislative caucuses were joint caucuses of the party members of both branches of the legislature, and their procedure was exactly the same as that of similar meetings held at the present time for the nomination of candidates for the United States Senate. Not infrequently prominent members of the party outside of the legislature were allowed to attend and to take part in the proceedings, and it was not uncommon for the preliminary caucus to invite those towns or districts not represented in the legislature by members belonging to the party holding the caucus, to elect delegates to attend the final nominating meeting. The nominations made by the Legislative caucus were usually ratified by district conventions and public meetings throughout the State, the ratification being in the form of an original nomination.

11. **Decline of the Legislative Caucus, 1811–1835.** Opposition to the Legislative caucus method of nomination for State officers appears to have been contemporaneous with the opposition to the Congressional caucus in national politics. The development of this movement which finally resulted in a general adoption of the State convention system can perhaps best be shown by an example.

In New York, where the Legislative caucus appears to have been first adopted, the system was carried to an extreme not found elsewhere. Down to 1811 the Republican candidates for the State Senate were nominated at a caucus of the party members of the State assembly from each senatorial district. This method, however, was found to be very objectionable, for the reason that the Republicans living in districts represented by Federalist assembly men had no voice in the nomination. Accordingly, about 1811 the method was changed in favor of nomination by District conventions composed of delegates chosen at primaries in the different cities and towns in the senatorial district.[80]

assembled this day &c." See the *Aurora*, March 10, 1808. It is to be noted that the terms "Republican," "Democratic," and "Democratic-Republican" are used interchangeably in the newspapers and pamphlets of the day as applying to the party of strict construction, of which Jefferson was the leader. The opposing party was known as the Federalist party.

[80] Hammond, *History of Political Parties in the State of New York*, I. 295.

The first movement towards a State convention was started by the Tammany men in 1812, not because they were conscientiously opposed to the old system, but because they feared that De Witt Clinton, to whom they were bitterly opposed, would again secure the regular caucus nomination for lieutenant-governor. The Legislative caucus, however, resulted in the nomination of Taylor over Clinton, and the agitation for a convention seems to have collapsed.[81]

In 1814, a number of the Federalist members of the legislature issued a call for a State Convention at Albany, composed of delegates from the different counties, for the purpose of determining the course to be pursued by the Federalist party in the legislature.[82] Although this convention was not called for the purpose of nominating a State ticket, it is significant as indicating a lack of faith in the Legislative caucus. It was not until 1817 that the first State nominating convention was held, and even this was not a true convention according to present standards, but a mixed body composed of the Republican members of the legislature, together with delegates chosen by the Republican voters in those counties represented in the legislature by Federalist members.[83]

The Legislative caucus system, however, appears to have possessed great vitality, and it was not until 1824, the year in which the Congressional caucus met its fate, that the last State Legislative caucus in New York was held. A faction of the Democratic party known as the People's Party, dissatisfied with the caucus nomination of Colonel Young for governor, issued a call for a State convention at Utica,[84] each county to be entitled to as many delegates as it had members in the legislature.[85] This experiment with the convention

[81] Hammond, *History of Political Parties in the State of New York*, I. 354.

[82] *New York Evening Post*, Sept. 27, 1814.

[83] The real reason for the calling of this mixed convention was the fact that the friends of De Witt Clinton, who was the real choice of the people, feared that on account of the opposition of Van Buren and the Albany Regency, their favorite might be defeated in a Legislative Caucus, especially as Clinton was especially strong in the Federalist counties. See Hammond, I. 438–439.

[84] Hammond, II. 173. As long as the convention was held at the capital city, the members of the legislature were sure to control its action.

[85] *Niles's Register*, XXVI. 117.

system appears to have found favor with the people, for in 1824 legislative caucuses of both the Democratic and Clintonian parties issued calls for State conventions to be held at Herkimer and Utica respectively. This was the first time, as Hammond[86] points out, that the regular Democratic members of the legislature yielded their power of nominating the party candidate for governor, but that yielding was final.

While the State officials other than the governor and lieutenant-governor continued to be elected by the legislature, nominations for these offices continued to be made by a legislative caucus;[87] but since the adoption of the amendment to the State constitution providing for the election of those officers by the people, the activity of such a caucus in New York, as in other States, has been confined to nominating candidates for the United States Senate, and for the various offices of the two branches of the State legislature.

The development of the State nominating machinery in the other States was similar to that in New York. In some States the final adoption of the convention system as the sole method of nomination occurred earlier[88] than in New York, in other States later;[89] but in all the general course of events was about the same. In general we may say that by 1835 the convention system was the prevailing method of nomination for State and district officers. Moreover, the procedure of the State and district conventions held in the thirties and early forties was substantially the same as that of our conventions to-day.[90]

12. **Presidential Nominations by Legislative Resolution.** Previous to the election of 1824, as has been shown in a preceding

[86] Hammond, II. 228.

[87] E. g., see Hammond, II. 114.

[88] In Pennsylvania the State convention was again firmly established by 1817. For an account of the "Independent Republican" convention of that year, see the *Aurora*, Jan. 1 and Feb. 25, 1817.

[89] In Massachusetts, by 1828, the Democrats seem to have finally adopted the convention system. The National Republican or Whig party, however, does not appear to have definitely settled down to the convention system until 1840. In Maine a legislative caucus was held as late as 1843 (*Niles's Register*, LXIV. 99).

[90] E. g., see *Journal of the Proceedings of the National Republican Convention*, held at Worcester, Mass., Oct. 11, 1832, published by order of the Convention, Boston, 1832.

section, candidates for the Presidency were nominated by a Congressional caucus. With the commencement of the revolt against the caucus system several other methods of nomination sprang up which, during the campaign of 1828, obtained possession of the field. The first of these methods is that of nomination by a State legislature acting in its official capacity. This was not an entirely new method. In 1807 President Jefferson received addresses from the legislatures of several States, approving the general course of his administration, and asking him to accept for the third time the Republican nomination.[91] During the same year both branches of the Kentucky Legislature unanimously recommended James Madison as a candidate for the Presidency.[92] In all the cases previous to 1824, however, the real work of nomination was in the hands of the Congressional caucus, the action of the legislatures being entirely subsidiary. It was not until the campaign of 1824 that nomination "by act of the legislature" came to have any real significance. The form of such nominations is very well shown by the joint resolution adopted by the Alabama Legislature in 1824 recommending Andrew Jackson for the Presidency. After a long preamble comes the following resolution:

> Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened that we believe it is the ardent wish of a large majority of our constituents that General Andrew Jackson should succeed Mr. Monroe as President of the United States of America, and we have no doubt he will receive the undivided support of the State of Alabama; wherefore, be it resolved, that the governor of this State be, and he is hereby, requested to transmit to the governors of each of our sister States, copies of the foregoing preamble and resolution.

In this case, however, the joint resolution was vetoed by Governor Pickens, who, in his veto message, after warmly indorsing the sentiment of the resolutions, gave the following reasons for his action:

> It is because I believe it is not fairly within the legitimate sphere of legislation, and, so far as my knowledge extends, without any previous

[91] *Works of Thomas Jefferson* (1859 ed.), VIII. 121–5.

[92] *United States Gazette*, March 21, 1808.

example, and would be introductory of unnecessary, if not mischievous, matters into our legislative deliberations, that I am induced not to add my signature to the joint resolutions.[93]

After the above veto the resolutions were laid on the table, and subsequently a resolution was introduced and adopted by both houses, requesting the Speaker of the House of Representatives and the President of the Senate to transmit a copy of the resolutions to the executive of each State, and to each of the Alabama Senators and Representatives at Washington.[94]

This method of nomination, which was common in the campaigns of 1824, 1828, and 1832, continued to exist even after the adoption of the national convention in 1832. For instance, in January, 1835, Hugh L. White was nominated for the Presidency by a joint resolution of the Alabama Legislature;[95] while as late as 1842 John C. Calhoun was nominated by the legislatures of South Carolina and Georgia as a candidate for the election of 1844.[96] But as the national convention system came to be better organized, this method of nomination gradually disappeared.

13. **Presidential Nominations by State Legislative Caucus.** Closely akin to the method just described was that of nomination of national candidates by a joint caucus of the party members of both branches of a State legislature. The first case of actual nomination by this method was the nomination of De Witt Clinton by a caucus of the Republican members of the New York Legislature in 1812.[97] With the commencement of the campaign of 1824,[98] it began to be generally adopted, and was the commonest mode of nomination during the period of transition from the Congressional caucus to the national

[93] *Niles's Register*, XXV. 324.

[94] *Ibid.*, 362. For other examples of this method of nomination, see *Niles's Register*, XXIX. 130 (Tenn.); XXXI. 193 (Ga.); XXXII. 103 (Ill.); XXXIV. 25, (Mass.)

[95] *Ibid.*, XLVII. 378. [96] *Ibid.*, LXIII. 282. [97] *Ibid.*, II. 235.

[98] The first gun in that memorable campaign appears to have been the nomination of William Lowndes for the Presidency by a caucus of the Republican members of the South Carolina Legislature. See *Memoirs of John Quincy Adams*, V. 468.

convention. The mode of procedure may perhaps be best illustrated by the following example.

On November 18, 1822, in accordance with a previous notice, a meeting of the Republican members of the Senate and House of Representatives of the Kentucky Legislature was held in the hall of the House of Representatives after the adjournment of the two branches. The call for the meeting stated the object to be "the consideration of the propriety of recommending to the people of the United States some suitable person to fill the office of President of the United States after the expiration of the present presidential term." The meeting was organized by the choice of William T. Barry as chairman and Thomas Speed as secretary. Mr. George Robertson then offered a resolution and address, which were unanimously adopted. The resolution read as follows:

> Resolved, That Henry Clay, late Speaker of the House of Representatives, be recommended as a suitable person to succeed James Monroe as president.

The address which followed the resolution stated Kentucky's claim to the Presidency on the ground of locality, and then proceeded to eulogize her favorite son in the most glowing terms.[99]

This method of nomination by State legislative caucus, like its contemporary official method, continued to exist after 1832,[100] but it likewise disappeared with the firm establishment of the convention system.

14. **Presidential Nominations by Mixed Conventions.** Another method of nominating national candidates in vogue during the transition period was by a convention composed of the party members of the legislature, together with delegates from those counties or towns not represented in the legislature by mem-

[99] *Niles's Register*, XXIII. 245. In some of the States it was customary for the caucus to pass a nominating resolution in blank, and after the close of the balloting the name of the successful candidate was inserted. See *Niles's Register*, XXIII. 342.

[100] E. g., Mr. Van Buren was nominated for the Presidency by a caucus of the Democratic members of the New York Legislature, in April, 1843. See *Niles's Register*, LXIV. 137.

bers belonging to the party holding the convention. A good example of this method is to be found in the nomination of John Quincy Adams in January, 1823, at a "joint meeting of the Republican members of the Massachusetts legislature and of Republican delegates from the various towns of the commonwealth not represented in the legislature."[101] The mode of procedure of such a body was exactly the same as that of the legislative caucus already described.

This method, like those previously described, is occasionally met with after the general adoption of the convention system. For instance, in February, 1843, a convention composed of the Whig members of the Virginia Legislature, and of two hundred delegates from different parts of the State, was held at Richmond, at which resolutions were adopted nominating Henry Clay as the Whig candidate for the Presidency, and referring the nomination of a candidate for the Vice-Presidency to the national convention.[102]

15. **Presidential Nominations by State Conventions.** Still another method of nominating candidates for the Presidency is found in the proceedings of a "Jackson" State convention held at Harrisburg, Pennsylvania, in January, 1828, at which the following preamble and resolutions were unanimously adopted:

Whereas, the democratic citizens of this Commonwealth in accordance with the established usages of the party, have delegated to this convention the important trust of nominating candidates for the presidency and vice-presidency of the United States, to be supported at the approaching presidential election: And whereas the voice of the democratic party has been unequivocally expressed in favor of that illustrious and patriotic citizen, Andrew Jackson of Tennessee, as president, and John C. Calhoun of South Carolina, as vice-president.

[101] See *Niles's Register*, XXIII. 342, 343.

[102] *Ibid.*, LXIV. 22. It is to be observed that after the establishment of the national convention, in the case of all three of the methods described above, except in the case of the "bolting" nominations of White in 1836 and Van Buren in 1844, the action of the legislature or caucus was subject to the decision of the national convention, with which the real choice lay. For this reason, strictly they were not nominations at all, but rather recommendations of certain candidates to the favor of the convention, similar to the resolutions urging the nomination of "favorite sons" by the State conventions of the present day.

Resolved, That Andrew Jackson of Tennessee be nominated as the democratic candidate of Pennsylvania for the office of president of the United States, —

Resolved, That John C. Calhoun of South Carolina be nominated for the office of vice-president of the United States.[103]

A committee was appointed to draft an address to the "democratic republican citizens of Pennsylvania on the subject of the approaching election,"[104] and in addition a "central committee of correspondence" was appointed, and also similar committees for every county in the State.[105] A full electoral ticket was named in the Jackson interest.[106] A resolution was then passed that each candidate nominated for the office of Presidential elector give "a written pledge or assurance" that if elected he would vote for the nominees of the convention. In case any candidate refused or neglected to give such a pledge, the central committee was empowered to substitute some other person in his place. The central committee was also empowered to fill all vacancies that might occur. After ordering that fifteen thousand copies of the address be printed, — one-third of them in the German language, — the convention adjourned.

Even after the adoption of the convention system in national politics, the State conventions continued to nominate candidates for the Presidency, the effect being merely an expression of the sentiment of the party in the State. The practice of instructing delegates by a resolution of the State convention to vote for a certain person or persons at the national convention which subsequently arose, and which still exists, is apparently a survival of the former system of actual nomination.

16. **Presidential Nominations by Public Meetings.** One of the most interesting features of the campaign of 1824 was the almost universal practice of obtaining the preferences of

[103] *Niles's Register*, XXXIII. 333, 334.

[104] This corresponds to the party platform of to-day.

[105] Corresponding to our State and County committees of to-day.

[106] As has been stated, Presidential electors were nominated by State legislative caucuses, or by State conventions, throughout the Congressional caucus period.

the people as to Presidential candidates at all sorts of public gatherings. All over the country mass meetings were held, at which a regular ballot was taken, just as at a regular election. At very many of these meetings formal resolutions were adopted nominating some candidate for the Presidency. For example, in March, 1824, such a meeting was held at Fredericksburg, Virginia, at which John Quincy Adams was nominated for the Presidency and Andrew Jackson for the Vice-Presidency,[107] — a very peculiar combination. These meetings were in reality simply meetings held to ratify the nomination of candidates who had been previously nominated in one or more of the ways already described. In other words, they were what we to-day call "rallies," the only difference being the formal adoption of nominating resolutions.

17. **Reasons for a Change of System.** All of the five methods of nomination for national offices which have just been described could obviously be nothing more than temporary expedients. In the first place, all except the State convention had become antiquated; and secondly, the first three were unpopular, because they were forms of legislative interference which, in the case of State nominations, had already been abandoned in many of the States, and which, in national politics, had met with a most emphatic rebuke in the overthrow of the Congressional caucus.

Again, with the reorganization of political parties after the "era of good feeling," and the rapid growth of population, the utter inadequacy of any system of State nomination for national offices became readily apparent. A national party must have a national system of nomination, and the expedient of a convention naturally suggested itself. Moreover, this expedient of a meeting of delegates from the different States had already been tried by the Federalists in 1812, when they indorsed De Witt Clinton, the nominee of the Peace Republicans. Owing, however, to the weakness of the Federalist party, and the more or less secret character of the meeting, this conference of a few of the Federalist leaders

[107] *Niles's Register*, XXVI. 39.

which was held in New York city in September, 1812, attracted little attention at the time, and is of comparatively little importance to us in tracing the actual development of nominating machinery.[108] The reason why the national convention was not generally adopted in 1812, as well as the reason why its use did not immediately follow the abandonment of the Congressional caucus system in 1824, is probably to be found in the lack of efficient communication between different sections of the country. With the commencement of the great railway systems in the early thirties, this difficulty began to be removed, and the national convention took the place of the previous varied and unsatisfactory methods.

18. **The Rise of the National Convention.** Even previous to the meeting of the last Congressional caucus, the application to national politics of the convention system, which had worked so satisfactorily in State nominations, was suggested by a Pennsylvania member of Congress. "I sincerely hope," said he, "that Pennsylvania will take the lead in recommending a national convention. It is the only plan calculated to conciliate and harmonize the Republican party throughout the Union." [109]

The first call for a national nominating convention was issued in September, 1830, by a preliminary conference of the Anti-Masonic party, and the assemblage of delegates which met at Baltimore in pursuance of it on September 26, 1831, if we overlook the Federalist Conference of 1812 mentioned in the preceding section, was the first national nominating convention. There were present one hundred and twelve delegates representing thirteen States.[110] The main feature of this convention, which sat for three days, was the adoption of a lengthy "Address to the People of the United States," — what is now called a platform, — containing about ten thou-

[108] For an account of the Federalist conference of 1812, the reader is referred to Mr. John S. Murdock's admirable little article entitled "The First National Nominating Convention." *American Historical Review*, I. 680.

[109] *Niles's Register*, XXV. 306; also *Memoirs of John Quincy Adams*, VI. 248.

[110] By the provisions of the call each State was entitled to as many delegates as it had electoral votes, which is the present method of apportionment, except that the number has been doubled. See § 21.

sand words, and occupying over an hour and a half in the reading.[111]

In February, 1831, a caucus of the National Republican or Whig members of the Maryland Legislature issued a call for a national convention to be held at Baltimore in December of that year, to which the opponents of the Jackson administration in the several States were invited to send delegates "equal in number to the electors of president to which their States are respectively entitled," and the election of delegates by Congressional districts was suggested.[112] The convention which met in accordance with this call was attended by one hundred and sixty-seven delegates from seventeen different States. An examination of the proceedings[113] shows that there has been very little change in procedure from that day to this, the reason being that, in 1832, the convention system was already highly developed in many of the States, and consequently there was little room for change. We find that there was a temporary organization; an examination of the credentials of the delegates; the appointment of a committee on permanent organization, which subsequently brought in a list of permanent officers; nominating speeches; the appointment of a committee to prepare an address to the people, corresponding to our committee on resolutions; and finally a committee to notify the successful candidates of their nomination. One paragraph of the published proceedings is especially interesting. On motion of Mr. Fairfax of Virginia, it was resolved "that a central State Corresponding Committee be provisionally appointed in each state where none is now appointed, and that it be recommended to the several states to organize subordinate corresponding committees in each county and town in their several respective states."

[111] *Niles's Register*, XLI. 83–5; and 166–74.

[112] *Ibid.*, XL. 28–9. This is interesting, as it is the method which has now come to be almost universally adopted. At that time, however, the suggestion was not generally followed, the different States choosing their delegates in various ways: e. g. in Maine and Pennsylvania, by district conventions; in New Hampshire by legislative caucus; in Massachusetts, Connecticut, New York, and Maryland by the State convention.

[113] *Ibid.*, XLI. 301–7.

The address to the people,[114] corresponding to a platform, consisted of a long and severe arraignment of the Jackson administration, followed by a profuse eulogy of the nominees, Messrs. Clay and Sergeant. It closed with these words:

> Such, fellow citizens, is the character of the present administration — such are the motives for changing it, and such are the persons whom we recommend to you for the chief executive officers. Compare their qualifications with those of their competitors; and may the goodness of Providence so enlighten your choice, that it may tend to promote the security and permanence of our excellent political institutions, and the true greatness and glory of our beloved country.

At the suggestion of this convention, a National Republican Convention of young men was held at Washington, D.C., May 7, 1832, at which the nominees of the regular convention of the party were indorsed.[115] This assembly, which had substantially the same procedure as the convention already described, is chiefly noteworthy for its adoption of a series of resolutions in place of an "Address to the People," thus making the party platform more nearly like the platforms of the present day.

The third convention to be held was that of the Democratic party, its principal object being to unite on a candidate for the Vice-Presidency. This convention met at Baltimore, May 21, 1832. Its proceedings were very similar to those of the Whig convention. Mr. Sumner of New Hampshire, in calling the delegates to order, gave the following account of the origin and objects of the meeting:

> GENTLEMEN. — The proposition for calling a general convention of delegates, to act on the nomination of a candidate for president, and to select a suitable candidate for vice-president of the United States, originated in the state of New Hampshire, by the friends of democracy in that state; and it appears that the proposition, although opposed by the enemies of the democratic party, has found favor in nearly and perhaps all the States in the Union. . . . The object of the representatives

[114] *Niles's Register*, XLI. 307–12.

[115] For a full account of the proceedings of this convention, the reader is referred to *Niles's Register*, XLII. 236–8.

of the people of New Hampshire who called this convention was not to impose on the people as candidate for either of the two offices in this government, any local favorite; but to concentrate the opinion of all the states. . . . They believed that the example of this convention would operate favorably in future elections; that the people would be disposed after seeing the good effects of this convention in conciliating the different and distant sections of the country, to continue this mode of nomination.[116]

19. **The National Convention Fully Established.** The belief of the New Hampshire Democrats, in 1832, in regard to the permanence of the national convention, proved to be well-founded, and from that day to this the regular candidates of the Democratic party have been nominated at national conventions conducted on substantially the same lines. In 1836, however, there was considerable opposition to the holding of a convention, especially among some of the Southern Democrats. The reason for this opposition was the fact that President Jackson was determined that Van Buren should be his successor, and recommended a convention with that end in view;[117] whereupon the legislatures of Alabama and Tennessee nominated Judge White of the latter State as Democratic candidate for President. In spite of all opposition, however, a national convention was held at Baltimore, in May, 1835, at which Van Buren and Johnson were nominated as the party standard bearers. The irregular character of the convention is shown by the fact that of the six hundred delegates in attendance, one hundred and eighty-eight were from Maryland, and one hundred from Virginia. Each State delegation, however, no matter how large its numbers, was only allowed to cast the number of votes that the State was entitled to in its electoral college.[118]

[116] For an account of proceedings, see *Niles's Register*, XLII. 234–6.

[117] *Ibid.*, XLV. 19.

[118] *Ibid.*, XLVIII. 226–9. The irregular character of this convention is strikingly illustrated in the case of the vote of Tennessee. No delegates were elected to the convention from that State, but nevertheless the entire vote to which the State was entitled was cast for Mr. Van Buren by a Mr. Edward Rucker. In reply to a well-merited denunciation of the proceeding which appeared in *Niles's Register*, Mr. Rucker admitted that he was not delegated to act in the convention, and then went on to say: "I happened to be in Baltimore at the time, and after

The Whig party held no regular convention in 1836, their object being to take advantage of all the local elements of opposition to the party in power, and, if possible, throw the election into the House of Representatives. General Harrison was nominated by an irregular convention held at Harrisburg; Judge McLean by a legislative caucus in Ohio; and Daniel Webster by the legislature of Massachusetts.

In 1840, both parties held regularly called national conventions, and from that time to this the convention system has been the regular method of nomination for the Presidency and Vice-Presidency.

20. **The Question of Procedure.** In regard to the procedure of national conventions there has been remarkably little change in the last sixty years. There are one or two rules, however, the history of which is worthy of notice. The statement was made in a preceding section [119] that the proceedings of the first Democratic convention were very similar to those of the first Whig convention; two exceptions ought perhaps to be made to that assertion. The first is the adoption by the Democratic convention of the following resolution:

> Resolved: That each state be entitled, in the nomination to be made of a candidate for the vice-presidency, to a number of votes equal to the number to which it will be entitled in the electoral colleges under the new apportionment, in voting for president and vice-president; *and that two thirds of the whole number of the votes in the convention shall be necessary to constitute a choice.*

This is the origin of the famous "two-thirds rule," which has been adopted by every subsequent convention of the Democratic party.[120] Moreover, its operation has been confined to

the delegates from the different States had their credentials examined by the committee appointed for that purpose, there appeared to be no one present representing Tennessee. This circumstance seemed to be deeply regretted by many, and its being mentioned that I was there and a Tennesseean, it was suggested by some that I might vote, which I accordingly did." (*Niles's Register*, XLVIII. 273.)

[119] See § 18.

[120] In the Democratic convention of 1835, a strong effort was made to substitute a majority for a two-thirds vote; but the two-thirds rule was finally adopted by a vote of 231 to 210, and has ever since remained in force in Democratic national conventions. (See *Niles's Register*, XLVIII. 228.)

that party, a simple majority being sufficient to nominate in both Whig and Republican conventions.

The other exception to which reference has been made is to be found in a resolution that "the majority of the delegates from each state designate the person by whom the votes of that state shall be given." This was the origin of the "unit rule." Although in this convention several of the State delegations were divided, nevertheless the tendency of the rule, as is shown by the result of the balloting, was to bring it about that the majority of each delegation should decide for whom the entire vote of the State should be cast. In the Democratic convention of 1836, the unit rule appears to have been looked upon as an established custom, the Massachusetts delegation being the only one whose vote is recorded as divided.[121]

In 1839 the unit rule was adopted by the Whig party. At the national convention of that year a resolution was adopted that each State delegation should vote by itself for candidates for the Presidency and Vice-Presidency, and that "the vote of a majority of each delegation shall be reported as the vote of that state" in a sort of committee of the whole. The decision of the committee of the whole was then to be reported to the convention.[122]

Either in the form of a rule adopted by the convention, or in the form of instructions by the State conventions, this practice of having a majority of each State delegation cast the entire vote of the State, soon became firmly fixed in the procedure of both of the leading political parties. The first successful revolt against this disregard of the rights of the minority occurred in the national convention of the Republican party in 1876. Four of the delegates from Pennsylvania demanded that their votes be recorded separately, in spite of the fact that the delegation had been instructed by the State convention to vote as a unit. The President of the convention gave a ruling in favor of the four Pennsylvania members, and on an appeal, the decision of the chair was sustained by a vote

[121] See *Baltimore Chronicle*, May 21, 1835.

[122] See *Niles's Register*, LVII. 249.

of three hundred and ninety-five to three hundred and fifty-three.[123] In 1880 the unit rule, so far as the Republican party is concerned, was definitely abandoned. The Republican convention of that year adopted a new rule, by which, if any objection is made to the vote of any State as announced by the chairman of the delegation, "the president of the convention shall direct the roll of members of such delegation to be called and the result recorded in accordance with the votes individually given."[124]

In Democratic national conventions the unit rule is still enforced in regard to any State delegation which has been so instructed by its State convention, or which adopts the rule itself.[125] The question of the right of individual delegates to have their votes recorded separately was definitely decided in the negative at the national convention of 1892. The convention was voting by States on the adoption of the platform. When Pennsylvania was called by the secretary, the chairman of the delegation from that State declared the vote to be sixty-four nays. As soon as the vote was announced, Mr. Wallace of the Pennsylvania delegation protested in behalf of fifteen members of the delegation against the power of a majority of the delegation to bind him and his colleagues. In answer the chairman of the delegation stated that the delegation had been instructed by the State convention "to vote as a unit upon all questions which might come before it, and that its vote should be cast in accordance with the direction of a majority of the delegation." The President of the convention then ruled that "the announcement of the vote given by the chairman of the state delegation must be accepted as the vote of that delegation," stating, in support of the ruling, that it had been the custom in preceding Democratic conventions for the

[123] *Official Proceedings of the Republican National Convention of* 1876, 88–100.

[124] *Official Proceedings of the Republican National Convention of* 1880 (Chicago, 1881), 43, Rule 8.

[125] The rules which have been adopted by every Democratic convention since 1852 provide that the manner in which the vote of each State shall be cast is "to be decided by the delegation of each State by itself." (*Official Proceedings of Democratic National Convention* of 1892, 67.)

convention to enforce the unit rule wherever it had been adopted by the States themselves.[126]

21. **The Call of National Conventions and the Choice of Delegates.** With the growth of party organization both the manner of issuing the call and the election of delegates have assumed a regularity and system which were lacking in the earlier conventions. Previous to 1852, the call for a national convention was usually issued either by a Congressional caucus or by a caucus of the party members of some State legislature. For the past forty years, however, in the case of an established political party, this call has been issued by a permanent body known as the National Committee, the members of which are chosen at each convention to serve during the four years ensuing.

In regard to the admission of delegates, the irregular proceedings of the earlier conventions has already been referred to in a preceding section.[127] A similar irregularity prevailed in regard to the choice of delegates. In 1832 and 1836, delegates to the various conventions were chosen in a variety of ways. In some States they were all chosen by the State convention or by a legislative caucus, while in others they were chosen by district conventions or by mass meetings of the voters. In May, 1838, the Ohio Whig convention, after a warm discussion, decided, by a large majority, that each Congressional district should have the right to choose its delegate to the national convention, the two delegates at large being chosen as before, by the State convention, "as being most democratic, and best calculated to bring out the real sentiments of the people."[128] This method of choosing delegates, which is by far the fairest, has from that time to this steadily gained in favor, until it is now the prevailing method throughout the country. In the Republican party, by a rule adopted at the national convention of 1892, every State is now obliged to choose its delegates in this manner. In the Democratic party, in some of the States and notably in New York, all

[126] *Official Proceedings of the Democratic National Convention of* 1892, 90, 91.

[127] § 19, note 117.

[128] See *Niles's Register*, LVI. 259.

the delegates are still chosen by the State convention; but it seems probable that a uniform system will be eventually adopted.

In the early conventions each State was entitled to as many votes as it had electoral votes, while the number of delegates which a State might send was not fixed. After 1852, however, the number of delegates to the Democratic national convention [129] was definitely fixed at double the number of votes to which the State was entitled in its electoral college, which gave each delegate half a vote in the convention. This system continued until 1872, when the present rule was adopted of allowing to each State twice as many delegates and twice as many votes as it has votes in its electoral college. The latter method has been in vogue in Republican conventions ever since 1860.

22. **The Growth of Party Organization.** The early caucuses and primaries generally appointed a campaign committee, whose duty it was to use every effort to secure the election of the caucus nominees.[130] These local committees corresponded to the ward and town committees of the present day. With the increase of urban population such committees came to be more highly organized, until, by 1820, they were working on practically the same lines as similar organizations at the present time. For instance, we find that in Boston, in March, 1816, an enthusiastic meeting of the Federalist City Committee was held at the Exchange Coffee House, and "spirited returns were made by the chairmen of all the ward committees, which were received with loud plaudits." [131]

About the same time, county and district committees began to be permanently established on present lines, and by 1830 a complete system of State and district committees was in existence in many of the States. The general awakening at this time among political leaders to the necessity of thorough party organization is well illustrated by the resolution adopted by the Whig national convention of 1832, referred to in § 18.

[129] The Whig party practically disappeared from politics in 1852.

[130] See § 4 of the present chapter.

[131] *Columbian Centinel*, March 27, 1816.

Although the early national conventions, like the first State conventions, usually elected a "Committee of Correspondence," it was not until the Democratic convention of 1848 that a permanent national committee consisting of one member from each State was chosen, with power to call the next national convention. The present Republican party, born after the establishment of this precedent, has had a national committee from the beginning of its history. The first call for a convention was issued in 1856 by the chairmen of the Republican State Committees of Vermont, Massachusetts, Pennsylvania, Ohio, and Wisconsin.[132] This convention, which met at Pittsburg, in February, made no nominations, but appointed a national committee composed of one member from each State, which body issued the call for the regular nominating convention.[133]

The existence of national, State, county, district, and local committees of the different political parties is conducive to the maintenance of party efficiency, — a fact recognized as early as 1832. The fact that party organization has become more elaborate and complex is not to be wondered at; it is the natural result of the growth of the country and consequent necessary extension of political machinery.

23. **The Present System Summarized.** In the present chapter we have endeavored to trace some of the main features in the development of our nominating machinery. Before passing to a detailed description of the system which has thus been developed by the practice of a century and a half, it may be well to summarize briefly its main characteristics.

Nominations in the United States at the present time are, in most cases, made by conventions of the various political parties, composed of delegates chosen at caucuses or primaries of the party voters held in small districts. In the case of some of the minor offices, however, nominations are frequently made directly by the party voters in these primary meetings.

To this general rule, by which candidates for the more

[132] See *Proceedings of the First Three Republican National Conventions* (Minneapolis, 1893), 7.

[133] *Ibid.*, 14.

important offices, at least, are nominated by delegate conventions, there are several exceptions. In the first place, there is the old English system, under which a person announces himself as a candidate for office.[134] This is found in some parts of the South, and is occasionally met with at the North, particularly in the case of independent candidates. This custom, however, is to be distinguished from the familiar practice prevailing throughout the country of persons announcing themselves as candidates for the party nomination, the final selection being in the hands of the party voters at the primaries or at a convention.

Another unusual system is that of primary election, under which the individual voter, instead of voting for delegates to a nominating convention, votes directly for the persons whom he desires to see made the candidates of his party for the various elective offices.

Finally, we have the system of nomination by "petition," or by "nomination paper," which has recently come in with the introduction of the Australian ballot system. Under this candidates may be put in nomination by filing with the proper officer a paper signed by a certain specified number of qualified voters.

Returning to the general system, it will be noticed in the following chapters that, starting with the caucus or primary called for the purpose of nominating candidates for some of the minor offices, there is a gradual increase in the complexity

[134] It is interesting to note how rapidly, in England herself, this old practice is giving way in presence of a widely extended suffrage. The following passage from Bryce's *American Commonwealth* puts the change in a clear light: "The rapid change in the practice of England in this point is a curious symptom of the progress of democratic ideas there. As late as the general elections of 1868 and 1874, nearly all candidates offered themselves to the electors, though some professed to do so in pursuance of requisitions emanating from the electors. In 1880 many — I think most — Liberal candidates in boroughs, and some in counties, were chosen by local party associations, and appealed to the Liberal electors on the ground of having been so chosen. In 1885 nearly all new candidates were so chosen, and a man offering himself against the nominee of the association was denounced as an interloper and traitor to the party. The same process has been going on in the Tory party, though more slowly." (Vol. II. p. 76, ed. 1891.) See also "The Caucus," by Mr. Joseph Chamberlain, *Fortnightly Review*, xxx. 72.

of the organization and procedure, until we come to the national convention called for the purpose of nominating candidates for the Presidency and Vice-Presidency, the only two offices which all the voters of the country have a part in filling. Such an increased complexity, however, is the natural and inevitable result of the increased size and importance of the undertaking. It is to be noted, also, that the caucus or primary in New England at least is, in most cases, still governed by the same simple procedure as in the days of Samuel Adams. It is to-day, as then, simply a town meeting of the party voters. On the other hand, the nominating convention of more recent origin has gradually become more highly organized and developed than when it was first introduced. Such a development is the natural result of the enormous increase in our population, rendering necessary an elaborate party machinery for bringing party principles to bear upon the conduct of State and national governments.

But, although at first sight apparently so complex, our present system of nomination is, in reality, comparatively simple. In theory it would be desirable that the party voters should come together in mass meeting and nominate their candidates for governor and other State offices. In practice this is impossible, and, accordingly, the party voters meet in caucuses or primary elections in the various cities and towns, and delegate persons to represent them in a State convention held for the purpose of nominating a State ticket, just as on election day they choose persons to represent them in the State legislature held for the purpose of making laws.

So in regard to the nomination of a candidate for the Presidency of the United States. Not only is it impossible for all the Republicans or all the Democrats of the country to assemble, even the party voters in each congressional district are too numerous to meet and elect delegates to represent them in a national convention. Since the voters cannot do this, they gather in their various cities and towns, and choose delegates to a congressional convention, which, in turn, chooses two delegates to the national convention. Thus for the great national contests we have a preliminary election in three

degrees, as well as a final election in two degrees, — viz. : (1) the choice of delegates by the party voters; (2) the choice by these delegates of other delegates; and (3) the choice by these latter of candidates for President and Vice-President. All three of these steps, however, are rendered absolutely necessary by the size of the country and its large and rapidly increasing population. That the results would be better if nominations were made directly by the people is doubtful; in the case of the higher offices, it is certainly impracticable. In short, the present system is the result of a gradual development and of long experience. Whatever the evils that may be found to have arisen under it, it is in itself a rational system, and a preventive of the worse evils of confusion, hap-hazard choice, and lack of party leadership and direction.

Part II.

DESCRIPTION OF THE PRESENT SYSTEM OF NOMINATIONS.

CHAPTER II.

NOMINATIONS FOR LOCAL OFFICES.

1. **Nominations in Towns.** In those parts of the country where town government prevails, especially in New England, the smaller communities, as a rule, have no regularly-called caucuses or primaries for the nomination of candidates for the various town offices, previous to the annual town meeting. In many cases candidates are put in nomination at the town meeting without any previous arrangement, especially in the case of old and faithful officers who are re-elected year after year, by common consent. On the other hand, where there is a contest for any particular office or offices, candidates either announce themselves, or, more commonly, are nominated at private gatherings known as "parlor caucuses," and the campaign is then vigorously carried on at the post-office and the country store. In the towns and villages outside of New England, however, regular town or village primaries are usually called by the different political parties, at which complete tickets for town offices are nominated, which are later printed and distributed at the polls.

But while in many places, even in New England, national party lines are drawn in local affairs, party action is less vigorous in town than in State and county elections. For instance, in some of the Republican towns of the strongly Republican State of Maine, Democrats are frequently found on the board of selectmen; while many Massachusetts towns pay no attention whatever to the political preferences of their officials in national or State affairs. There are, to be sure, divisions and contests at town elections; but they are upon such questions as the advisability of constructing a system of sewerage or water

works, or the creation of a town debt for some permanent improvement. Bodies of voters, more or less permanent, differ as to how the affairs of the town should be managed; and, accordingly, we find, especially in the larger towns, regularly-called caucuses, at which are nominated "Citizens'" and "People's" tickets for the various town offices.[1]

2. **Nominations in Cities.** In the nominations for city offices we find an entirely different state of things. Party lines are drawn as strictly in most municipal elections as in State and national affairs, and this fact has long been recognized as one of the chief causes of the failure of municipal government in the United States.

Exactly the same system of nomination is in vogue as in the case of State and county offices; viz., the primary caucus and the delegate convention. In most cities many of the chief executive officers (such as the treasurer, auditor, solicitor, engineer, architect, and chief of police) are either elected by the city council or appointed by the mayor. Those elective officers who are voted for by the people of the whole city, including, in many cases, besides the mayor, the board of aldermen or upper branch of the city council, the school committee, and comptroller, are usually nominated by municipal conventions composed of delegates chosen by the party voters at caucuses or primaries in the different wards or voting precincts. In some cities, however, the system of primary election is in vogue in municipal nominations, in which case the individual party voter casts his ballot directly for candidates for mayor and aldermen, and those candidates receiving a plurality of all the votes cast in the city are declared the party nominees. Where the aldermen are elected by districts, candidates for that office are usually nominated at aldermanic district conventions composed of delegates from the various wards and precincts in the district.

In some cities, especially in Massachusetts, the members of the lower branch of the city council (usually called the "common council") are elected by wards, and candidates are nomi-

[1] In Appendix B will be found a copy of one of the tickets used at the town meeting held at Leicester, Mass., in March, 1894.

nated directly at ward caucuses. The same is true as to the nomination of candidates for the lower branch of the State legislature, where a single ward constitutes a representative district. In most of the larger cities, however, candidates are nominated by conventions, and the power of the individual voter is restricted to the choice of delegates.

The primaries and conventions held for the purpose of nominating candidates for municipal offices are called by the city, town, ward, or precinct committees, as the case may be, and are governed by substantially the same procedure as the primaries and conventions held for the purpose of nominating State and county officers, which will be described later.

3. **Caucuses or Primary Meetings.**[2] Caucuses or primaries, whether called for the direct nomination of candidates or for the choice of delegates to a convention, are governed by a very simple procedure. In fact, in New England, and in some of the older Western States, they are simply "town meetings" of the party voters. In many of the States, however, the primaries are conducted like elections. There is no opportunity for discussion. They are simply held for the purpose of choosing delegates, the polls being open a certain length of time, as in the case of the regular election. Some of the States, as we shall see, have passed laws regulating the holding of caucuses and primaries for the purpose of protecting the voters against fraud and corruption. In the absence of statutory enactment, the organization and conduct of these primary meetings are governed by rules adopted by the party committees calling them, and by custom. Even where there are statutes on the subject, the law is often supplemented by rules made by the party committee. For instance, in Boston, no person is permitted to vote in a Republican caucus unless he is an "enrolled Republican," that is, unless his name has been entered upon the ward committee's list of Republican voters for the ward in which he resides.

[2] In New England, and in a few of the Western States, these primary meetings of the party voters are called *caucuses*. In the Middle States, and throughout the greater part of the West, such meetings are known as *primaries*. In Pennsylvania, and the South, as well as in the statute books of most of the States outside of New England, they are called *primary elections*.

The call for a caucus or primary, which is issued by the city or town committee, specifies the time and place of meeting, together with the object for which it is held; designates the person who is to call the meeting to order, or the officers who are to have charge of the balloting, as the case may be, and usually gives an abstract of the more important rules which are to govern it. It is signed by the chairman and secretary of the committee.[3]

In those States where the primaries are simply party elections, the procedure is practically the same as at the regular election, — the officers in charge being chosen in accordance with the party rules. Where the old-fashioned caucus prevails, however, the procedure is very similar to that of the town meeting. Caucuses held for the choice of delegates to the different conventions, and for the election of members of the city or town committee are, as a rule, very quiet affairs. Little interest is manifested, except where there is a sharp contest for some nomination to be made by one of the conventions, or where the party committee which is to be chosen is to nominate directly or indirectly any of the party candidates.[4] On the other hand, where the caucus nominates a candidate directly, as in the case of representatives to the legislature in some parts of New England, and in the case of nominations for ward and town officers, the attendance is usually large, and the excitement runs high.

The meeting is called to order by the person designated in the call, usually the chairman of the ward or town committee, who reads a copy of the printed call. The caucus then proceeds to elect a chairman and secretary, usually by a *viva voce* vote, nominations being made from the floor. Candidates are then put in nomination by their friends, and their merits discussed in open meeting. This very valuable feature of the old New England caucus is unfortunately somewhat rare in

[3] See Appendix B.

[4] For instance, in Boston, the Democratic city committee until recently nominated the party candidate for mayor; while in New York City the General Committee of Tammany Hall exercises the functions of a county convention. In those wards where a party is in a hopeless minority, the caucus frequently leaves the nomination of candidates for minor offices to the ward committee.

ward caucuses in the large cities, although in the country towns it is still to be found in all its old-time vigor. After the names and qualifications of the various candidates have been presented, a committee is appointed to receive, sort, and count the ballots, and the voting begins. In Massachusetts, the law requires that the voting shall be by ballot, if asked for by ten voters, in which case the official voting lists, certified by the registrars of voters, have to be used. No one is allowed to vote unless his name is on the list.[5] The voters, after their names are checked on the list, pass between the ballot committee, and deposit their ballots.[6] The persons receiving the highest number of votes in the first ballot are by an almost invariable custom declared to be elected or nominated, as the case may be. This custom is due to the unwillingness of the voters to devote the time required for the repeated ballots necessary to a majority choice. Where there is no opposition to a candidate, or to a set of delegates, a ballot is dispensed with, and the nomination or election, as the case may be, is made by acclamation. Where the law or the party rules absolutely require a ballot, nomination by acclamation is supplemented by a vote directing the secretary of the caucus to cast one ballot for the candidate nominated.[7]

It is not uncommon for the caucus to pass a vote instructing the delegates elected to a coming convention to vote for a particular candidate in the convention. Again, in the case of direct nominations by the caucus, candidates for the State legislature are frequently pledged, if elected at the polls, to vote

[5] In a close contest, voters are frequently challenged by the friends of the rival candidates, on the ground that they do not belong to the party. The right of the challenged party to vote is usually determined finally by vote of the ward or town committee, although in some cases it is left for the caucus to decide.

[6] In some places, instead of a ballot, names are suggested from the floor, and arranged by the secretary of the caucus on a "marking list." Then each voter in turn places a mark against the names of those for whom he desires to vote. This custom is very similar to the Australian ballot system, which has been introduced into the Boston caucuses, the difference between the two being that in the system just described, the ballot is made up in open meeting, and every voter marks on the same tally sheet.

[7] Each delegate to a convention elected at a caucus or primary receives a "credential," signed by the chairman and secretary, which is evidence of his title to a seat in the convention. For a copy of such a credential, see Appendix B.

for a particular person for United States senator. As a rule, such instructions are scrupulously observed; but occasionally there is found a delegate or a candidate who refuses to be bound by his instructions, and insists upon using his own judgment. In such a contingency the only redress for the voters is to discipline their unruly servant at the next caucus or election.

In the Middle States and in the South, the party primaries or primary elections, as they are called, usually lack the town-meeting feature of the old New England caucus, namely, the discussion in open meeting of the merits of the different persons to be voted for. They are, as their name implies, elections, their sole function being the choice of delegates and members of the various party committees, and, in the smaller cities, the direct nomination of candidates for some of the municipal offices. The only exception to this rule is to be found in the "Crawford County"[8] system, where the party voters nominate the candidates directly, without the intervention of delegate conventions. In either case, however, the primary meetings are nothing more nor less than elections held in the different election districts or voting precincts, and differing from the regular legal election only in the fact that they are confined to the voters of a single party. The polls are kept open during a certain specified time, and the balloting is conducted by officers chosen either in accordance with the party rules or the laws of the State.

4. **Preparation for Caucuses.** Before leaving the subject of the primary meeting, which forms the basis of our entire nominating machinery, reference should be made to the preliminary work done by the various candidates and their friends previous to the holding of the caucus or primary.[9] On the day of the

[8] So called because first tried in Crawford County, Pennsylvania. The advantages and disadvantages of the system will be discussed in a later chapter.

[9] Where there is no contest for the nomination or for places in the various sets of delegates to be elected, this preliminary work results in giving the proceedings of the caucus or primary a very "cut and dried" character. Even where there is a contest, the choice of the voter is practically limited to one or the other of the "tickets" or "slates" which have been agreed upon beforehand at private conferences.

caucus, where there is a contest for the nomination, printed ballots are distributed at the polling place,[10] bearing the names of candidates and sets of delegates or "slates" agreed upon beforehand at "parlor caucuses." These "parlor caucuses" are private meetings of the friends of some particular candidate or candidates, at which plans are made for controlling the caucus. This is perhaps the most important part of our whole nominating machinery: for here are formed the combinations which determine beforehand the action of the caucus in a manner often impossible for the ordinary voter to comprehend or to combat. If Mr. A. wishes to be nominated for the State legislature, he holds a conference with his friends. He there learns that B., C., D., and E. are also desirous of being the party standard-bearers. But the ward is entitled to only two representatives, so that three of the five contestants will have to be disappointed. Now comes the power of political combination. The most obvious thing to be done is for all A.'s friends to attend the caucus and to bring out as many of their friends as possible. The next thing is to have ballots printed containing A.'s name in all possible combinations with the names of all the other contestants. Accordingly, on the day of the caucus there will be distributed at the polls by A.'s friends, a ballot containing the name of A. and B., another with the names of A. and C., and so on. In this way A. will secure scattering votes from the friends of the other candidates in addition to the votes of his own friends.[11] The same course being pursued by the friends of the other candidates, the result is that the poor voter at the caucus is deluged with ballots differing slightly one from the other. Where the contest is for delegates to some convention, the ward being entitled perhaps to ten or more delegates, the situation is still more complicated.

Fully as interesting as the methods which have just been

[10] These ballots are distributed either by volunteers or by paid distributors, in the large cities more commonly by the latter. For sample ballots, see Appendix B.

[11] If the contest is very close, A.'s special friends will vote for A. alone. This is known as voting "bullets," and a ticket bearing the name of only one candidate, where the ward is entitled to more than one, is known as a "bullet ticket."

described, is the preliminary work done by men who wish to be candidates for such positions as State senator or representative in Congress. As the election district is in these cases large, the nomination is made at a delegate convention. The problem before the aspirant is to secure the election of enough delegates favorable to his candidacy in the various town and ward caucuses or primaries of the district to give him a majority of the votes in the convention. To this end he either personally, or through his friends, makes up in every town and ward of the district a list of delegates who, if elected, will vote for his nomination. It is a common expedient for a weak candidate to head each list or "ticket" with the names of well known and highly respected citizens who will probably not attend the convention, but whose credentials can be secured through mutual friends. Even if these well known citizens turn out to be opposed to the candidate, nevertheless he can well afford to lose one or two votes for the sake of securing the remainder of the delegation by means of this unauthorized use of one or two strong names.

The lists thus prepared are printed and distributed at the caucus, sometimes headed "delegates pledged to ——," but more often without any designation, or else falsely marked "unpledged." In some cases two different tickets of delegates, both favorable to the same person, are distributed at the caucus, one designated as pledged to a particular individual, and the other marked "unpledged" to catch the unsuspecting citizen of independent proclivities. A delegate elected at a caucus, who is either expressly or tacitly understood to favor a particular person, is usually considered in honor bound to vote for that person in the convention. And the same is true where the caucus, by vote, instructs the delegates elected to vote for a particular candidate.

In many localities it is the custom for some of the representative party men of the town or ward to hold each year a private conference or "parlor caucus," at which a complete ticket of delegates to the various conventions, and candidates for the ward or town committee, is made up. Such a meeting usually organizes itself by choosing a chairman and secretary. The

names of well known members of the party are placed upon the ticket, in many cases without any means of knowing how these men, if elected, will vote in the convention. Where there is a contest for delegates to any particular convention, and the members of the "parlor caucus" are divided upon the question, either a compromise ticket is agreed upon, or else those present "agree to disagree," and no list for that convention is made up at the meeting. Where there is an agreement upon all points, all the lists and candidates agreed upon are sometimes printed upon one ballot. The secretary of the meeting usually attends to the printing of the ballots and their distribution on the night of the caucus.[12]

5. **Local Committees and their Influence on Nominations.** As has already been stated, in every city and town each political party has a city or town committee. In cities there are also usually ward committees and in some cities precinct committees. The members of the two latter are, as a rule, chosen each year at a caucus or primary of party voters in the ward or precinct, and the city committee is usually composed of the members of the various ward and precinct organizations, or of delegations from them.[13]

The nomination of candidates was never intended to be included among the duties of these local committees, — their function being rather to take all legitimate means to secure the election of the party candidates after they have once been nominated. Ordinarily, their only official connection with nominations is the power usually given them of filling vacancies in cases where the calling of another caucus would be inconvenient. In some cases, however, especially where the party holding the caucus is in a hopeless minority, the power of making nominations and of choosing delegates is intrusted by the caucus or primary to the local committee.

But far more important than this is the unofficial connection

[12] See Appendix B.

[13] For instance, in Boston, the Republican city committee is composed of the members of the different ward committees. Each ward committee is composed of five members, and one additional member for every two hundred Republican voters over one thousand at the preceding presidential election. (Rule 2 of the *Rules of the Republican Party of Boston*, 1893.)

between the local committees and the primary meetings. In very many places it is customary for the members of the ward or town committee to make up a ticket or "slate," as it is sometimes called, of candidates and delegates previous to the caucus, and in some cases the source of the ticket is distinctly stated on the printed ballot.[14] The unfortunate part of this assumption of the right to suggest names by the committee is that, owing to the lack of interest in political affairs, the "slate" prepared by the local committee is pretty apt to be successful at the caucus, the proceedings of the latter being, in consequence, very much "cut and dried." As a result, respectable citizens who take the trouble to attend are disgusted with the whole thing, while, on the other hand, positions on the local committee are eagerly sought after, not from an unselfish desire to work for the interests of the party, but in order to secure control over nominations.

Still more important in its influence on nominations is the power given to the local committee of calling the caucuses, and especially of making rules for governing their procedure. It is the abuse of this latter function that has given the machine its great power in New York and in other large cities. The evolution has been a very natural one. It is necessary, of course, that there should be some rule governing the right to vote at the party primaries. In the large cities, this is usually provided for by restricting the privilege to voters who have been registered in the books of the ward or precinct committee, — the object being to prevent voters of the opposite party from taking part in the primary. Now it is very easy, by making very rigid requirements (such as, for instance, that the applicant shall take oath to support all candidates who may be nominated, regardless of their character or fitness), to keep the ward or precinct list of party voters small and "select." Then, by further requiring that every applicant for enrollment must receive a majority vote of the enrolled voters present at any meeting, the control of nominations is placed absolutely in the hands of a self-perpetuating club, and the primary becomes a ridiculous farce. As we

[14] This has frequently been the case in Democratic caucuses in Boston.

shall see, this has been exactly the situation in New York city. Even where things have not gone so far as this, it is evident that an unscrupulous committee, vested with the power of deciding finally on the qualifications of voters, is enabled to control the caucus as it sees fit, and to keep itself in power against the wishes of the party voters of the district. In view of the abuse which at present exists in this regard, it would seem that the power of making rules for the government of caucuses and primaries ought to be vested in the party voters themselves, and never delegated to the local committee. The function of the latter should be confined to enforcing the rules as they exist.

6. **Nominations for County Offices.** Candidates for the various county offices — e. g., county commissioner, sheriff, treasurer, auditor, register of deeds, register of probate, clerk of courts, district attorney, and in many States judges of the county courts — are, as a rule, nominated by county conventions composed of delegates from the various cities and towns in the county.

The call for such a convention is issued by the county committee,[15] and the number of delegates to which each city and town is entitled is stated in the call.[16]

The procedure of a county convention is usually very simple. It is called to order by the chairman of the county committee, who reads the call. The first business in order is the choice of a temporary chairman and secretary, after which a committee on credentials is appointed for the purpose of ascertaining what delegates are present and entitled to seats in the convention. In case there are two sets of delegates from any city or town, each claiming to be the rightful delegates, the committee on credentials gives a hearing to the parties concerned, and makes its report to the convention, which is usually accepted as a matter of course. After the report of the committee on credentials, it is customary to pass a motion that the temporary organization be made permanent.

[15] The county committee consists of one or more members from each town and city within the county, and is chosen either by the convention or at the primaries.

[16] In Massachusetts the basis of apportionment of delegates for all the minor conventions is the same as that for the State convention. See *post*, chapter iii. § 2.

The convention then proceeds to make nominations for the various offices in the order mentioned in the call. A committee is appointed "to receive, sort, and count the ballots." After nominating speeches have been made in behalf of the various aspirants, a ballot is taken, the committee either passing the boxes to the members, or, as is more common, the delegates passing in front of the chairman's desk, between the members of the committee and depositing their ballots. Where there is no contest for the nomination, as is frequently the case in county affairs, a ballot is dispensed with, and the nomination is made by acclamation. This is especially the case with old and faithful officials, who are frequently kept in office as long as they are willing to serve.

After the candidates have been nominated, a county committee for the ensuing year is elected,[17] and other routine business transacted, after which the convention adjourns *sine die.*

The only exception to the usual method of nomination for county office by delegate conventions is to be found in the "Crawford County" system, the advantages and limitations of which will be considered in a later chapter.

[17] I. e. where the county committee is chosen by the convention.

CHAPTER III.

NOMINATIONS FOR STATE OFFICES.

1. **The General System.** In the States, as in the nation, a large proportion of the executive officers are appointed: for example, the members of the various State commissions, the clerks and assistants in the various executive departments, and in many States the judges. With offices filled by appointment we have no present concern, since the nominating machinery applies only to positions filled by election.

For the sake of convenience, we will consider first, the nomination of candidates on the "State ticket," namely, those to be voted for at large by the people of the whole State; second, the nomination of candidates for the two branches of the State legislature; and, finally, nominations for the various offices of the State Senate and House of Representatives.

The officers voted for by the people at large are a governor, and a lieutenant-governor, a secretary of State, a State treasurer, and, in most States, an auditor and an attorney-general. In addition to these, many States elect a comptroller, a superintendent of public instruction, a State engineer, a surveyor, and a superintendent of prisons. In the States which have an elective judiciary, the judges of the Supreme Court and of the Court of Appeals, where one exists, are also voted for by the people of the whole State. Candidates for all these offices are everywhere nominated by State conventions, composed of delegates chosen by the party voters, either directly at primaries in the cities and towns, or indirectly by county or district conventions.

2. **State Conventions.** The call for a State convention of a party is issued by the State central committee.[1] A printed copy of the call is sent to the chairman of each city and town committee, or of each county committee, in the State. This call states the time and place of meeting of the convention, and also the number of delegates to which each city, town, or county is entitled. In the matter of apportionment of delegates, there is a wide difference in practice between State and national conventions. In the latter, each State is entitled to twice as many delegates as it has electoral votes, regardless of the party strength in the State; while in State conventions, as a general rule, the representation of the different counties or municipalities is based to a greater or less extent upon the vote cast for the party candidates at the preceding State or national election. For example, at the Massachusetts Republican Convention of 1893, each town and each ward of a city was entitled to one delegate and to one additional delegate for every fifty votes or fraction thereof cast for the Republican candidate for governor at the preceding election.

The usual procedure of a State convention, although not so elaborate as that of a national convention, is, nevertheless, rather complex. It is called to order by the chairman of the State committee, who usually asks the secretary of the committee to read the call for the convention. The proceedings are then formally opened with prayer, after which motions are made and carried for the appointment by the chair of a committee on credentials, a committee on permanent organization, and a committee on resolutions.[2] It is customary for the delegate making the motion in each case to be named as chairman

[1] The constitution and mode of election of the State committee differs in different States. In Massachusetts the State committee of both parties consists of one member from each of the forty senatorial districts, elected by the senatorial district convention at the same time that candidates for the State Senate are nominated. In many of the States the members are elected by the county conventions; but in New York the entire Democratic State committee is chosen by the State convention. In other States the two methods are combined.

[2] The constitution of these committees varies, of course, in different States. In Massachusetts Republican conventions each committee consists of one member at large, and one from each congressional district.

of the committee which he proposes; but his privilege of making such a motion has been determined beforehand by the all-powerful State committee.

There is often no formal action taken by way of temporary organization, — the chairman and secretary of the State committee acting temporarily until the committee on permanent organization has made its report. The permanent officers consist of a president, a secretary, and several assistant secretaries, together with a portentous list of honorary vice-presidents and secretaries. The only object in naming these honorary officers is to give official recognition to prominent and faithful party workers in the different parts of the State.

On taking the chair, the president of the convention, who is usually some prominent man, proceeds to deliver a carefully prepared speech upon the issues of the campaign, the telling points of which are greeted with laughter and applause. After the president's speech, which is the first shot of the campaign, comes the report of the committee on credentials, consisting of a statement of the number of delegates present, together with a decision in the case of any contested seats. Then follows the reading of the platform by the chairman of the committee on resolutions, who is usually one of the leaders of the party. As the reading progresses, the various paragraphs are greeted with applause, differing in volume according to the importance of the question and the opinions of the delegates. The resolution or "plank" that is most vigorously applauded is usually that indorsing or condemning the national administration, according as the party holding the convention is in or out of power at Washington.

3. **Nominating Procedure of State Conventions.** After the reading of the resolutions, which are practically never altered or amended, the convention settles down to its real business, the nomination of candidates for the various State offices. A motion is made and carried for the appointment by the chair of a committee to take charge of the balloting and to count the ballots after they have been cast. Thereupon the president gravely announces that "the chair will appoint the following committee," and proceeds to read off a list of names agreed

upon by the State committee weeks beforehand; he then declares that "nominations for the office of governor are now in order," whereupon nominating speeches are made in behalf of the various candidates.[3]

Up to this point, the entire proceedings of the convention have been pre-arranged by the State committee. Occasionally, to be sure, some member attempts to bring forward a pet resolution; but the convention almost invariably refuses to consider it.[4] Without this pre-arrangement of the routine part of their work, the State conventions could not accomplish their business.[5] They are usually very large assemblages, the number of delegates being always several hundred, and frequently more than a thousand;[6] and in many States they complete their work in a single day.[7] Should the convention undertake to choose its own officers and appoint its own committees on the spur of the moment, there would be endless confusion, and it would probably take several days to reach the real object for which it was convened: viz., the nomination of the party candidates. Under the present system, however, the preliminary proceedings are usually completed in a few hours. Again, the presiding officer, being designated long beforehand, has an opportunity to prepare an able and interesting speech, while the committee on resolutions are given ample time to formulate a platform which shall be concise and, at the same time,

[3] It is usually determined beforehand by each candidate or his friends, who shall present his name to the convention, and who shall second the nomination.

[4] If any individual member of the party or any delegate desires to have a certain idea incorporated into the party platform, his only course of action is to endeavor to prevail upon the committee on resolutions (who usually meet before the day of the convention) to adopt his suggestions.

[5] The opinion here expressed in regard to the wisdom and necessity of having the State committee arrange the preliminary work of the convention refers only to the proceedings previous to the balloting. The formation of any pre-arranged plan on the part of the State committee to influence nominations, as is frequently the case, notably in New York and Pennsylvania, is to be severely condemned.

[6] At the Massachusetts Republican Convention of 1894 there were over two thousand delegates present.

[7] In Massachusetts, the Republican State Convention meets at ten or eleven o'clock in the morning, and usually adjourns by four o'clock in the afternoon of the same day, having carried out, to the satisfaction of the rank and file of the party, the object for which it was called together.

complete and satisfactory to all wings of the party. In short, by having the necessary preliminary work carefully arranged by an efficient State committee, everything goes along smoothly on the day of the convention, and the convention itself is enabled to perform its important work with promptness and despatch.

Nominating speeches in behalf of the leading candidates are usually made by men high up in the councils of the party. At the Republican Convention in Massachusetts, in 1893, there was witnessed the remarkable spectacle of a candidate for governor being placed in nomination by his two rivals for the nomination. One of them urged, in an earnest and eloquent speech, that he be nominated by acclamation, and the other seconded the proposal.[8]

Where there is more than one candidate for the nomination, a ballot is taken, the delegates walking up either by counties or districts and depositing their ballots, or remaining in their seats while the ballots are collected by tellers. When a candidate has received the number of votes required for a nomination, — usually a majority of all the votes cast, — it is customary for the friends of the defeated candidates to move that his nomination be made unanimous. This motion is generally carried. The convention then proceeds in the same manner to nominate candidates for the other offices on the State ticket. In the New England States, if the party holding the convention is in control of the State government, the incumbents of the various offices are usually re-nominated by acclamation until their term of service reaches a number of years prescribed by custom. According to an unwritten law of the Republican party in Massachusetts, a governor is entitled to two successive re-nominations, if he be not defeated at his second trial, while the other elective State officers are

[8] Hon. Frederick T. Greenhalge was placed in nomination by Hon. Albert E. Pillsbury, and the nomination was seconded by Hon. Thomas N. Hart. It was of course known when the convention assembled that a majority of the delegates chosen were favorable to Mr. Greenhalge for governor. In this case the real fight for the nomination had taken place in the primary caucuses throughout the State, the friends of each of the three candidates endeavoring to secure as many delegates as possible favorable to their man.

allowed to remain at least five years in office.[9] Moreover, in Massachusetts, as well as in some other States, lieutenant-governors frequently succeed their chiefs.

While the convention is waiting for its committee to count the votes, in case a ballot is taken on any or all of the officers, the president frequently calls upon some prominent party leader, generally of national reputation, to entertain the delegates with a speech.

After the nominations for governor and lieutenant-governor have been made, a motion is made and carried for the appointment by the chair of a committee to notify the nominees of the action of the convention, and to escort them to the hall. This committee consists usually of the rival candidates, if they happen to be delegates, or of those who have managed their respective campaigns. When the entire State ticket has been nominated, this committee appears upon the platform, amid the most tumultuous applause, accompanied by the nominees for governor and lieutenant-governor (who are expected to be in waiting). The candidates are then introduced by the president of the convention as "the next governor" and as "the next lieutenant-governor" of the State, whereupon each responds in a short speech, thanking the convention for the honor, and solemnly pledging his best efforts towards carrying the party banner to victory.

4. **Nomination of Minor State Officers.** The account which has just been given, is of a State convention where a candidate for governor is nominated. In those States which elect their governor for a term of years, the State conventions held in the "off years" — i.e., years when only candidates for some of the minor State offices are to be nominated — are much simpler in their organization and procedure than the typical convention just described.

In some cases, even where a candidate is nominated for the governorship, the question of the nomination of candidates for the minor offices on the State ticket is referred by the State convention to a committee, which reports a list of candidates to the convention. This was the method adopted by the

[9] In Massachusetts, all elective State officers are elected annually.

Massachusetts Democratic Convention of 1893. In other cases, such nominations are left to the State committee, with full powers. Both of these modes of procedure, however, are adopted only where there is apparently no probability of the election of the party candidates.

Nominations for the smaller State offices, even by the convention of a minority party, are often sought for their influence on the future political fortunes of a man: it brings him before the public; it pleases his local constituency; and it frequently secures for him the appointment to a State or national office.

5. **Preparation for State Conventions.** In the preceding chapter we discussed the important preliminary work done by candidates and their friends in connection with the caucuses and primaries. Fully as important is the preparation for the State convention.

Where the party machinery of the State has fallen into the hands of "machine" men, the nomination of candidates on the State ticket is very largely dictated by the State committee. Wherever possible, the committee, through its influence on the district and local committees, secures the election of delegates to the State convention favorable to its own slate, — in which case the proceedings of the convention are most harmonious. In case of a revolt against the machine, however, the committee, by its control of the organization of the convention, and consequently of the appointment of the committee on credentials, is able to unseat a sufficient number of the anti-machine delegates (filling their places with its own friends) to nominate whomsoever it pleases.

But in those States where the State committee does not abuse the power intrusted to it, and simply acts as the servant and not the master of the rank and file of the party, the latter nominate their candidates, in fact, as well as in theory. The procedure is commonly as follows. The friends of some well known man start a "boom" for him for the nomination for governor. Such a boom usually originates, so far as its public announcement is concerned, at a meeting of some political or social club to which the candidate belongs. Certain party

newspapers, particularly in the section of the State in which the candidate resides, take up the movement and, until the meeting of the convention, continue to extol their candidate's merits and to urge his nomination. The candidate's friends in each small section of the State then proceed to hold parlor caucuses, at which they formulate plans for capturing the primaries in their favorite's interest.[10]

After the primaries throughout the State have been held, the managers of the candidate's campaign reckon up the number of delegates elected pledged to vote for their man, as well as the number pledged to each of the other aspirants for the nomination. There usually remains, however, a considerable number of unpledged delegates; and, in case of a close contest, a hot fight takes place to secure as many as possible of these doubtful votes. The managers of each aspirant's campaign open headquarters in some leading hotel of the city in which the convention is to be held, and there, on the night before the convention, the delegates are royally entertained, particularly the doubtful ones, the candidate himself holding an informal reception.[11]

On the day of the convention, the candidate's friends are to be found at the door of the convention hall, and on the floor of the convention itself, busily engaged in button-holing the delegates in favor of their man. Their work does not stop until the result of the final ballot is announced, and their favorite is either "landed" or defeated.

Combinations or "deals" are frequently made by a candidate's friends, by which votes are obtained for their man in return for votes for a particular aspirant for some other office on the State ticket; while in some cases a rival candidate is induced to withdraw "in the interest of harmony," by the promise of future support for some other State or national

[10] Where the people thus nominate their candidates, it is essential that a would-be candidate for governor should be sufficiently well known to have friends in all parts of the State who are ready and willing to work to secure the election of delegates favorable to him at the primaries in their respective neighborhoods.

[11] In Massachusetts, the old Tremont House in Boston, which stood across the street from the hall where the State conventions were usually held, was long the favorite meeting-place of the contending factions.

office. As in the case of elections, bribery is sometimes resorted to in an exceedingly close contest; but such cases are rare.

6. **Executive Councillors and Judges.** For the sake of completeness, it should be noted that besides the officers voted for by the people of the entire State, and members of the legislature, there is frequently another group of elected State officials, such, for instance, as the Massachusetts Executive Council.[12] The members of this body are elected annually by the people, the State being divided, for this purpose, into seven large districts, each of which returns one councillor. Candidates for the Executive Council are nominated by councillor conventions.[13] These conventions are composed of delegates from the various cities and towns of the councillor district. The procedure is exactly the same as that of the county convention, which has been described in a preceding chapter.

In those States which have an elective judiciary, between the judges of the highest courts who are nominated by the State convention, and the county judges who are nominated by county conventions, there is often a third class; namely, the judges of the Superior Court, for whose election the State is divided into large districts. Candidates for these judgeships are nominated by district conventions similar to the councillor conventions just mentioned.

7. **Nominations for the State Legislature.** Candidates for the State Senate, or Upper House of the Legislature, are usually nominated at senatorial conventions composed of delegates chosen at caucuses or primaries of the party voters in the cities and towns situated in the particular district. Such conventions are called by the senatorial district committee, and the assemblage is called to order by the chairman of that committee. The procedure is the same as that of the county convention.

Nominations for the lower branch of the legislature, in case the district includes more than one town or ward of a city,

[12] The Executive Council, which exists also in New Hampshire and Connecticut, is a relic of colonial times.

[13] Councillor conventions are called by the councillor district committee.

are made by conventions similar to those already described.[14] Where, however, a single town or ward of a city constitutes a representative district, the nomination of the candidate or candidates[15] is made directly by the party voters at a single caucus or primary meeting.[16] Such a caucus is conducted in exactly the same manner as one held for the choice of delegates to the various conventions. In Massachusetts, previous to the passage of the Caucus Act of 1894, it was the custom for delegates to the various conventions, together with the members of the ward or town committee, to be chosen at one and the same caucus, while candidates for representative were nominated at a subsequent caucus called for that particular purpose. In 1894, for the first time in the case of the Republican party, everything was done at a single caucus.

8. **The Nomination of Officers elected by the Legislature.** There remains one set of State officers,—the various officials of the two branches of the legislature, such as the speaker of the House, the president of the Senate, the clerks of the two branches, and the sergeant-at-arms. Candidates for these offices are nominated at a caucus of the party members of the Senate or House, as the case may be.

The contest in the majority party for the caucus nomination for speaker of the lower branch is frequently as keen as in the case of the speaker of the national House, and for the same reason, — the speaker's power, especially the power of appointing all the committees.[17] Whenever such a contest

[14] In many of the States, the State is divided into senatorial and also into representative or assembly districts, the lines of the two sets crossing one another. On the other hand, in some of the States the county is taken as the basis of apportionment for members of one or both of the Houses, — each county being entitled to a certain number of senators or representatives as the case may be. In Illinois, which has the simplest system, the State is divided into fifty-three districts, each of which sends one senator and three representatives to the legislature.

[15] In Massachusetts many districts elect two and some three representatives.

[16] This method of nominating candidates for the legislature is not found outside of New England. This is due to the fact that the Lower House of most State legislatures is a comparatively small body, and consequently the assembly districts are too large for the party voters to meet in a single caucus.

[17] The same is true in the case of a nomination for the presidency of the Senate where, as in Massachusetts, the presiding officer of the upper branch is elected by the members and has the appointment of committees.

occurs, the friends of each of the aspirants for the coveted nomination make a systematic canvass of the various members elect, and endeavor, by means of circulars, newspaper editorials and personal solicitation, to influence those members who are as yet undecided. If, before the caucus assembles, it is clearly seen that one candidate will have an undoubted majority of the members-elect, the other candidates often withdraw their names.

A caucus for the nomination of candidates for speaker or the other legislative officers is called by those members who have some reason to favor a caucus nomination,[18] and is called to order by a member agreed upon by those issuing the call. The member-elect who has seen the earliest service in the Senate or House is usually chosen to preside, while one of the younger members is generally chosen as secretary. Candidates are then put in nomination for the various offices, and, in case of a contest, a ballot is taken, a majority of the members present being usually necessary for a choice. Where only one candidate is proposed, as in the case of a primary caucus, the nomination is made by acclamation. After the various candidates have been nominated, and a caucus committee has been appointed to look after the interests of the party on the floor of the chamber, the caucus adjourns. Like the congressional caucus, these legislative caucuses, as occasion requires, are again called together to determine the attitude of the party on important public questions.

[18] A copy of the call for the Massachusetts Republican House Caucus of 1894 will be found in Appendix D.

CHAPTER IV.

NOMINATIONS FOR NATIONAL OFFICES.

1. **Relative Importance of National Elections.** Of the vast body of national office-holders, — estimated at over one hundred and fifty thousand, — less than five hundred, including the members of Congress, obtain their positions by any process of nomination and election. The officers whose mode of selection comes within the scope of this discussion fall naturally into four groups: (1) the President and Vice-President; (2) members of the House of Representatives, including the territorial delegates; (3) United States Senators; and (4) the various officers of the Senate and House.

The interest in national nominations and elections is far greater than that manifested in nominations and elections for State or local offices, and this, in spite of the fact that the latter are really of vastly more importance to the individual voter than the former. The all-important matters of police protection, the preservation of the public health, the construction and repair of highways, the support and maintenance of public education, the laws governing inheritance, marriage and divorce, retail trade, the relations between landlord and tenant, factory legislation, in short, almost all the phases of governmental activity with which the ordinary man comes in contact in his daily life, are entirely within the domain of the State and municipal governments. To them, particularly to the latter, the citizen pays the larger part of his taxes, and to them, in return, he looks for the uninterrupted enjoyment of life, liberty, and the pursuit of happiness. But in spite of the fact that the honest and efficient administration of the local government is therefore of such supreme importance,

the average American citizen continues to take far greater interest in national politics, where his influence is necessarily limited, than in the government of his own city, where his individual vote has far greater weight, and where the result of the primaries and of the election is of much greater consequence to his welfare. The unfortunate results of this lack of interest in local affairs, and of the subordination of local to national politics, are plainly seen in the terrible condition of things which has existed in New York, Philadelphia, Chicago, and other large cities.

As a result of this deep interest in national politics, the nominating machinery is better known and much more highly developed than in the case of State and local nominations. In the following sections we shall consider this machinery as it exists to-day, in the order suggested at the beginning of the chapter.

2. **The Call of National Conventions.** Nominations for the Presidency and Vice-Presidency have been made for the past sixty years by national conventions held by the different political parties in the spring or early summer of the year in which the presidential election occurs.

Each political party which is national in its character has a national committee consisting of one member from each State and Territory.[1] This committee has general supervision of the national affairs of the party, its principal work being the management of the presidential campaign. For this purpose large sums of money are raised by subscription in various parts of the country, and the money thus raised is used in printing and distributing campaign literature, hiring speakers, and in assisting the State committees, particularly in the doubtful States, to carry their States for the national ticket. In addition to this campaign work, the national committee has the duty of calling the national convention. It determines the date of meeting, and what is perhaps more important, the place where it is to be held. Of late years there has been a keen rivalry among the large cities of the country, each con-

[1] The officers of the national committee consist of a chairman, secretary, treasurer, and an executive committee.

tending for the honor of having the convention held within its limits. There is sometimes a spirited contest on the question in the national committee. In the case of the Democratic Convention of 1892, there was a long and protracted struggle between the champions of the different cities. Finally, on the fifteenth ballot, Chicago secured the coveted prize, Milwaukee being second.[2] The Republican national committee, in November, 1891, held a public hearing at Washington, on the question where the Convention of 1892 should be held. At this hearing, the claims of the different cities were urged by their respective representatives. The claims of Minneapolis were presented by a delegation of one hundred of the prominent men of the Northwest. On the seventh ballot their efforts proved successful, and Minneapolis was chosen.[3]

Besides designating the time and place of the convention, the call specifies the number of delegates to which each State is entitled. According to the present practice of the Republican and Democratic parties, each State is allowed to send twice as many delegates as it has electoral votes.

3. **The Choice of Delegates.** A copy of the official call[4] is sent to the State committee of the party in each State; thereupon the State committee proceeds to call a State convention for the purpose of choosing the four delegates from the State at large, and at the same time notifies the party committees in the different congressional districts of the State.[5] These in their turn proceed to call congressional district conventions to choose the two delegates from each congressional district. The delegates to both the State and district conventions are chosen at caucuses or primaries in the different cities and towns. At the same time with the delegates, there are chosen an equal number of "alternates," whose duty it is to take the place of the regular delegates, in case the latter are pre-

[2] *Official Proceedings of the Democratic National Convention of* 1892, 14–21.

[3] *Proceedings of the Tenth Republican National Convention, held in the City of Minneapolis, &c.* (Minneapolis, 1892), 6.

[4] A copy of the calls of National Conventions in 1892 and 1896 will be found in Appendix C.

[5] In each congressional district there is usually a congressional district committee consisting of one or more members from each city and town in the district.

vented by sickness, or otherwise, from attending the national convention.

The choice of the four delegates at large from each State by the State convention, and the election of the remainder of the delegation by district conventions is the usual method, but not the invariable rule. In some cases, the State convention chooses the entire delegation. This is the custom in the Democratic party in New York and in several other States. It was also, until very recently, the custom in the Republican party in the South. At the Republican National Convention of 1892, however, the following rule was adopted:

> The National Committee shall issue the call for the meeting of the national convention six months at least before the time fixed for said meeting, and each congressional district in the United States shall elect its delegates to the national convention in the same way as the nomination of a member of Congress is made in such district. . . . An alternate delegate for each delegate to the national convention to act in case of absence of the delegate shall be elected in the same manner and at the same time as the delegate is elected. Delegates at large for each state and their alternates shall be elected at a state convention in their respective states.[6]

The result of this rule will be that hereafter all delegates to Republican national conventions will be chosen in the uniform way already described. The Democratic party has as yet adopted no uniform system in regard to the choice of delegates.

Except where a party has practically no chance of winning the election, the names of various statesmen of prominence are mentioned in connection with the Presidency long before the calling of the convention. Early in the convention year the friends of the leading aspirants proceed to organize in each State, and endeavor in every way to get as many State and district conventions as possible to instruct the delegates to support their favorite's candidacy at the national convention. The newspapers publish the comparative standing of the various candidates, giving the returns from each State and district

[6] *Official Proceedings of the National Republican Convention of* 1892, p. 30.

convention, as they come in, and revising their estimates from day to day until all the delegates have been chosen. This ante-convention contest is frequently very exciting; but, as a rule, it is impossible, even after all the delegates have been elected, to tell who will be the actual nominee of the convention. Exceptions to this rule are the nominations of Grant in 1868, Cleveland in 1884, and McKinley in 1896, in all of which cases the nomination was practically settled before the convention met. The same is usually the case where a President in office is seeking a re-nomination, although this exception does not always hold good, as is witnessed by the nomination of Mr. Blaine over President Arthur in 1884.

After the delegates have all been chosen, the contest is transferred from the States to the convention city, which now becomes the seat of war. The friends of each of the leading candidates are early in the field. They open their own particular headquarters in one of the leading hotels; and they endeavor, by means of meetings of delegates, open-air rallies and processions, to arouse all the enthusiasm possible in the interest of their favorite candidate. It is here that "deals" between the leaders of the different factions are consummated, votes are traded for promises of patronage (sometimes, it is to be feared, for something more tangible), and, in short, all the secret "wire-pulling" is carried on which frequently has such an important effect upon the final action of the convention.

The National Committee also have their headquarters, and several days before the meeting of the convention they have arranged all the minor details of organization, fixed upon the temporary and permanent chairman, reached a decision upon the greater part of the contested seats, and have determined upon the main features of the party platform, their decision in the two latter cases being subject, of course, to the approval of the committees on credentials and resolutions, which are subsequently elected by the convention.

4. **Organization of National Conventions.** It has been the custom to hold the national conventions of the two great parties in large auditoriums, the object being to make room for as large a number of spectators as possible. In 1892, the local

committee having charge of the arrangements for the holding of the Democratic convention in Chicago arranged for the erection of a special building, with a seating capacity of twenty thousand. In fact, the desire to accommodate the visiting public has led to the utter ignoring of the rights of the delegates, as well as the purpose of the convention, the size of the convention hall rendering it entirely unfit for the business of a deliberative body. Moreover, the presence of a large number of the residents of the State in which the convention is held, has more than once influenced the action of the convention, notably in the Republican conventions of 1860 and 1884. In view of the inconveniences usually resulting from the presence of such a multitude, it is probable that before long the national conventions will place some limitation on the number of spectators at their meetings.

Reference has been made to the local committee of arrangements. This committee is a citizens' body, organized by prominent members of the rank and file of the party in the convention city, and its task is no small one. At the Republican Convention of 1892, the arrangements were in the hands of a Citizens' Executive Committee, with sub-Committees on Finance, Hotels, Transportation, Music, Decorations, Telegraph, State Headquarters, Press, Building and Hall, Auditing, Accommodations, Reception, Entertainment, and also a Ladies' Reception Committee.[7]

The convention is called to order usually about noon of the day appointed in the call, by the chairman of the national committee. After the reading of the official call, it is customary for the proceedings to be opened with prayer by some clergyman of the city. The national committee, either through its chairman or secretary, then reports a list of the temporary officers of the convention, consisting of a temporary chairman, one or two secretaries, and several assistant secretaries and reading clerks, together with a sergeant-at-arms, and one or more official stenographers.[8]

[7] *Official Proceedings of Republican National Convention of* 1892, pp. 6, 7.

[8] The preliminary arrangements for the convention are delegated by the national committee to its executive committee, and by this usually to a sub-committee.

This list being adopted by the convention, as a matter of course, the chairman of the national committee yields his place to the temporary chairman, who, on taking the chair, makes a short speech. A resolution is then usually adopted that the convention be governed by the rules of the preceding convention "until otherwise ordered." At the same time a motion is made and carried for the appointment of a Committee on Credentials, a Committee on Permanent Organization, a Committee on Rules, and a Committee on Resolutions, each consisting of one member from each State and Territory. The usual method of appointment is by calling the roll of the States and Territories; each delegation being allowed to designate, through its chairman,[9] a member for each of these four committees.[10] At this point, resolutions relating to contested seats are usually presented, and are always referred, without debate, to the Committee on Credentials.

The appointment of the various committees ends the real work of the first day. The remainder of the session is consumed in deciding in regard to the admission of spectators, in passing resolutions of sympathy for distinguished men who happen to be afflicted,[11] and in dealing with other comparatively unimportant matters.[12]

Inasmuch as no regular business can be transacted until the Committee on Credentials has made its report, if that Committee is not yet ready when the convention assembles on the morning of the second day, the convention either adjourns

The latter arranges the list of temporary and permanent officers of the convention, and attends to other details of arrangement. See *Ibid.*, 8.

[9] Each State delegation chooses its own chairman.

[10] In State Conventions these committees are usually appointed by the presiding officer of the convention, without consulting the delegates from the various counties or districts.

[11] For instance, at the Democratic Convention in 1892, the following resolution was adopted on the receipt on the news of the death of Emmons Blaine: "*Resolved:* That this convention tender its profound sympathy to that distinguished American, James G. Blaine, in the heavy affliction which has befallen him." *Official Proceedings*, 35. At the Republican Convention of the same year a delegate from Pennsylvania was given permission to read a letter relative to the Titusville disaster, appealing for aid for the sufferers. *Official Proceedings*, 39.

[12] At the Democratic Convention of 1892, an invitation to visit the World's Fair Grounds was received and accepted. *Official Proceedings*, 36.

over to the following day, or, if the report is likely to come in at any moment, the time of waiting is taken up with the offering of various resolutions by different delegates, which are generally referred, without debate, to the Committee on Resolutions, and in listening to short speeches by prominent party leaders who may happen to be present.[13]

The usual delay in the report of the Committee on Credentials is due to the large number of contested seats. For instance, at the Republican convention of 1892 there were twenty-four separate cases. When we consider that several months are often spent by congressional committees in the consideration of contested election cases, it is not to be wondered at that the committee of a national convention intrusted with a similar duty, is sometimes several days in arriving at a conclusion in regard to all the cases before it. After both sides have had an opportunity to present their claims, the committee decides between them. The "regular" delegate or delegates, that is, those indorsed by the State or district committee, usually receive the seat, especially if there are but one or two contested cases from a State. Where, however, there are two full delegations from the same State, and the contestants on each side appear to have a strong case, it is usual, for the sake of harmony, to give seats to both sets, each delegate being entitled to half a vote.[14] Such contests are often exceedingly bitter, because the two delegations support rival candidates for the Presidency, and consequently the report of the Committee on Credentials frequently has an important bearing on the subsequent nominating proceedings.

The report of the Committee on Credentials, which consists

[13] Sometimes, while the convention is waiting for the Committee on Credentials to report, the reports of the Committees on Permanent Organization and Rules are allowed to come in under suspension of the rules. This was the case in the Republican Convention of 1892, the speech of the permanent chairman, Governor McKinley, being delivered before the report of the Committee on Credentials was received.

[14] For instance, this method was recommended in the case of the Utah delegation at the Republican Convention of 1892. A similar mode of settlement was also adopted in the case of three contesting delegates from the 7th North Carolina district, each of the contestants being given a seat and two-thirds of a vote. *Official Proceedings*, 45.

of a decision in regard to all contested seats, together with an official list of all the delegates entitled to seats in the convention, arranged by States, is usually accepted by the convention without much debate. Occasionally, however, especially in recent Republican conventions,[15] the committee's report gives rise to a hot discussion, and not infrequently the recommendations of a majority of the committee are rejected. Perhaps the most exciting contest of this kind occurred at the Republican Convention of 1880; the discussion of contested seats takes up over one hundred pages of the published proceedings.[16] In order, if possible, to prevent a repetition of such a state of affairs, Mr. Boutwell, of Massachusetts, introduced a resolution, which was adopted, that the national committee recommend some uniform rule for the election of delegates.[17] An effective rule in this regard, however, was not finally adopted until the Convention of 1892.[18] It is to be hoped that the enforcement of this rule will, in the future, relieve Republican conventions of the long and tiresome discussions which have consumed so much of their time in the past.

After the report of the Committee on Credentials has been finally disposed of, the next business in order is the report of the Committee on Permanent Organization, which consists of a long list of the permanent officers of the convention,[19] previously arranged to a greater or less extent by the national committee. This report is unanimously adopted as a matter of course, and a committee is appointed to escort the permanent chairman to the platform.

[15] The large number of contested seats from the Southern States is due to the disorganized condition of the party in that section of the country.

[16] *Proceedings of the Republican National Convention held at Chicago* (Chicago, 1880), 45–150.

[17] *Official Proceedings of the Republican Convention of* 1880, 126.

[18] See *ante*, § 3 of this chapter.

[19] At the Democratic Convention of 1892, the list included a president, a secretary, and nine assistant secretaries, a chief recording-secretary and eight assistant recording-secretaries, a sergeant-at-arms, a chief assistant sergeant-at-arms, and twenty assistant sergeants-at-arms, and an official stenographer. In addition, there was a list of honorary vice-presidents and honorary secretaries, consisting of one delegate from each State and Territory, nominated by their respective delegations. *Official Proceedings*, 59–62.

The permanent chairman, or president, as he is usually called, on taking the chair, proceeds to deliver a carefully prepared speech upon the issues of the campaign. Then comes the report of the Committee on Rules, which consists of an order of business for the convention to follow, together with the rules of the preceding convention, amended in such ways as the committee may choose to suggest. In the case of Republican conventions, very important changes are frequently made in the rules from convention to convention. On the other hand, Democratic conventions are traditionally conservative, the same rules being always adopted with practically no change.[20] This accounts for the permanence of the famous two-thirds rule, to which reference will be made in a later chapter.[21]

While waiting for the report of the Committee on Resolutions, in case of delay, the convention occupies itself with miscellaneous business, such as the election of a national committee, and of a committee to notify the nominees of the convention. Both of these committees are usually composed of one member from each State and Territory, the members being designated by their respective delegations.

The reading of the "Platform" is one of the most interesting features of a national as well as of a State convention. The resolutions are read by the chairman of the committee, who is generally one of the leading men of the party, and the reading is frequently interrupted by applause. The resolutions are, as a rule, unanimously adopted as read, but occasionally this unanimity is rudely broken, as in the case of the Democratic Convention of 1892, at which the tariff plank was the subject of a long debate, finally resulting in the adoption of a declaration favoring a "tariff for revenue only" instead of the "moderate protection" resolution recommended by the committee.[22] The platform is sometimes intended to

[20] The rules adopted by the National Conventions of the Democratic and Republican parties in 1892 and 1896 will be found in Appendix C.

[21] See *post*, chapter vi. § 6.

[22] *Official Proceedings of the Democratic Convention of* 1892, p. 92. At the Republican Convention of 1896, upon the refusal of the convention to amend the financial part of the platform as reported by the committee, by the substitution

reflect the views of some chief aspirant for the nomination, as in the case of the Democratic Convention of 1888.

5. **Nominating Proceedings in National Conventions.** After the adoption of the platform comes the call of the roll of States arranged alphabetically, for the presentation of candidates for the presidential nomination. If a State has a "favorite son," however slight his chance of securing the nomination, his name is often put before the convention. This custom makes it possible for a State delegation to pay a compliment to some prominent party leader, and at the same time affords some of the delegates an opportunity to display their oratorical powers. The delegation from any State may, when called in its turn, pass its right to any other delegation not yet called. For instance, in the Democratic Convention of 1892, Arkansas yielded her place to New Jersey, whereupon Governor Leon Abbett of that State proceeded, in an elaborate speech, to put Mr. Cleveland in nomination.

After the names of the principal candidates have been presented by delegates from the States of their birth or residence,[23] State delegations which have no additional candidates of their own to present, sometimes authorize one of their number to second, in a short speech, one of the nominations already made.

The presentation of names takes a long time, and is the occasion of calculated and long-continued applause, which is supposed to indicate the popularity of the candidates. When it is finished, the convention proceeds to the first ballot. As the name of each State is called by the secretary, the chairman of the delegation rises in his place and announces the vote of his State.[24] Numerous ballots are often required to decide

of a free silver plank, a number of the delegates from the silver States, after formally announcing their secession from the Republican party, withdrew from the convention, amid a scene of great excitement.

[23] This custom of having the name of a prominent aspirant for the nomination presented by the State of his birth or residence, is not always followed. For instance, at the Republican Convention of 1892, although President Harrison was first placed in nomination by a delegate from his native State, Indiana, the name of Mr. Blaine was first presented to the convention by Senator Walcott of Colorado.

[24] In Democratic conventions, where the convention of a State has instructed the delegation to vote as a "unit," or where the delegation has itself voted to do so, the entire number of votes to which the State is entitled in the convention are

the contest,[25] and where several strong men are in competition for the nomination, it frequently happens that a "dark horse," that is to say, some comparatively obscure man acceptable to all factions, finally receives the nomination. The most noteworthy cases of "dark horses" have been the nominations of Polk in 1844, Taylor in 1848, Pierce in 1852,[26] Hayes in 1876, Garfield in 1880, and Harrison in 1888. Although it has thus frequently happened that a candidate has been finally nominated whose nomination was not expected, or even dreamed of, when the convention assembled, nevertheless it sometimes happens that one of the prominent party leaders, whose name has been mentioned in connection with the Presidency long before the calling of the convention, secures the coveted prize without much of a contest in the convention. Examples of this are the nomination of Grant on the first ballot, in 1868, and of Cleveland and Blaine, in 1884, on the second and fourth ballots, respectively. Experience, however, has clearly demonstrated that, unless a prominent party leader receives a majority of the votes on one of the earlier ballots, he is practically certain to lose the nomination. According to the rules which have governed Democratic conventions from the very adoption of the convention system, a candidate, in order to be nominated, must receive a two-thirds vote of all the delegates present;[27] it is therefore often difficult to nominate the most prominent man in the party, even though his selection is desired by a decided

cast by the chairman for one candidate. Otherwise the chairman announces the number of votes cast for each candidate in the poll of the delegation. In Republican conventions the unit rule has not prevailed since 1880, the chairman in all cases simply announcing the actual vote of the delegation. In case any member of the delegation doubts the vote as returned by the chairman, the roll of the delegation is called by the secretary of the Convention.

[25] At the Democratic Convention of 1852, it took forty-nine ballots to nominate a candidate for President; and at the Whig Convention of the same year, fifty-three ballots were taken before a nomination was made.

[26] On the first thirty-four ballots the name of Franklin Pierce does not appear at all. On the thirty-fifth, Virginia cast fifteen votes for Pierce, and on the forty-ninth ballot there was a "stampede" to him, and he was nominated.

[27] For a history of the "two-thirds rule," see *ante*, chapter i. § 20. See also *post*, chapter vi. § 6.

majority of the Democratic voters as well as of the delegates.[28] In Republican conventions a majority of the delegates present has always been sufficient for a nomination.

As soon as any candidate has received the number of votes necessary to a choice, it is the custom for the principal supporter of the next highest candidate to move that the nomination be made unanimous. This motion is seconded by the leading supporters of the other unsuccessful candidates, and is carried amid the wildest enthusiasm.[29] After the pandemonium, which sometimes lasts for more than half an hour, has subsided, the convention proceeds, in precisely the same manner, to the nomination of a candidate for Vice-President. This nomination has frequently gone begging, and never receives the patient attention of the convention which, in the light of history, its importance deserves. It is common to choose some man who represents a different wing of the party from the candidate for President, or who can influence the vote of a doubtful State. Examples of this were seen in the nomination of Tyler by the Whigs in 1840, and of Andrew Johnson by the Republicans in 1864, both of which proved most unfortunate in their consequences.

In the case of both the President and Vice-President there is the chance of a "stampede" of State delegations to a winning candidate after the close of the roll-call, and just before the announcement of the vote. This was well illustrated at the Democratic Convention of 1892, by the nomination of Mr. Stevenson for Vice-President. What took place can perhaps be best described by a quotation from the stenographic report of the proceedings of the convention:

> As the last state was called, and it was seen that Adlai E. Stevenson was leading all the candidates, the chairman of the Iowa delegation arose and stated that he desired to change the vote of Iowa from Watterson to

[28] The two most notable cases are Martin Van Buren in 1844, and Stephen A. Douglass in 1860.

[29] According to the existing rules in Republican conventions, immediately upon the announcement by the secretary that a certain candidate has received the nomination, the chair, without waiting for any motion, puts the question, "Shall his nomination be made unanimous?" See *Official Proceedings of the Minneapolis Convention of* 1892, p. 141.

Stevenson. This was the signal for a general stampede to Stevenson, and chairmen of delegations in all parts of the hall were seen standing on chairs endeavoring to catch the eye of the presiding officer. As delegation after delegation followed the lead of Iowa, and it became evident that Mr. Stevenson was to be nominated, Mr. Cole of Ohio was recognized by the chair, and moved that the rules be suspended and that General Stevenson be nominated by acclamation. The motion was seconded by W. U. Hensel of Pennsylvania. . . . On being put, the motion was unanimously adopted and General Adlai E. Stevenson was declared the nominee of the Democratic party for the office of Vice-President of the United States.[30]

After the nominations have been made, motions are usually carried, empowering the national committee to fix the time and place of the next national convention, and to perform other services, in case provision for such matters has not already been made in the rules. Then, after passing resolutions for the printing of the proceedings of the convention, thanking the citizens of the place where the convention has been held for their hospitality, and also thanking the different officers of the convention for their services, the national convention — the great instrument by which the American people arrive at a choice of party candidates for the highest office in their gift — adjourns *sine die*.[31]

6. **Nomination of Presidential Electors.** Some account of the method of nominating electors in the several States seems to be called for at this point. Candidates for the two electors at

[30] *Official Proceedings of the Democratic Convention of* 1892, 174–5.

[31] As has already been mentioned, it is the custom of national conventions, either before or after the making of the nominations, to appoint a committee or committees to notify the candidates of the action of the convention. Such a committee always consists of one delegate from each State and Territory, and, as in the case of other committees, each delegation selects its own representative. The notification proceedings are usually very simple. The committee visits the candidate at his home, and the chairman, in a brief speech, formally notifies him of his nomination. The candidate replies informally, accepting the honor conferred upon him: this is followed later by a carefully prepared letter of acceptance, which is published and spread broad-cast over the country as a campaign document. Sometimes, however, as in the case of the Democratic Convention of 1892, the notification proceedings are more elaborate. See *Official Proceedings of the Democratic National Convention of* 1892, 214.

large to which each State is entitled are, in every case, nominated at the regular State convention held for the nomination of State officers, or, in case there are no State officers to be nominated, by a State convention called for that express purpose. The candidate for elector in each congressional district is usually nominated by the district convention held for the purpose of nominating a candidate for the Lower House of Congress. In some States, however, a complete electoral ticket for the whole State is nominated by the State convention.

It is common to put upon the electoral ticket, particularly in the case of the electors at large, distinguished members of the party who have never held national office, or who have retired therefrom.

Vacancies arising in the electoral ticket before the election are usually filled either by the other nominees or by the State committee.

7. **Nominations for the National House of Representatives.** The nomination of a candidate for representative in Congress for any given district is, in most sections of the country, made by a congressional district convention[32] composed of delegates chosen at caucuses or primaries in the various towns and city wards of the district. The call for the convention is issued by the congressional district committee, and states the number of delegates to which each city and town is entitled.[33]

The convention is called to order by the chairman of the district committee, and the mode of procedure is practically the same as that of the county convention described in chapter ii. The nomination of a congressional candidate is often determined in advance by a private agreement that the incumbent, after one or more terms of service, shall retire and aid the nomination of his principal rival in a former convention. Moreover, as in the case of other district conventions, it is

[32] During the first half of the century it frequently happened that the State convention of a party nominated the party candidates for all the congressional districts of the State. At the present time, in some sections congressional candidates are nominated by the "Crawford County" system already referred to.

[33] As has been mentioned before, in Massachusetts the State committee each year determines upon a uniform basis of representation for the State convention as well as for all district conventions.

customary for the different portions of the district to furnish the candidate in turn.

As in the case of a State convention, after a candidate has been nominated, a committee is usually appointed — consisting, in case of a contest, of a representative of each of the rival candidates — to find the nominee and escort him to the hall. In case the search of the committee proves successful, the newly-nominated candidate treats the convention to a speech, usually carefully prepared beforehand, in which he tells the assembled delegates what he intends to do if elected. Then, after the choice of a new district committee,[34] the convention adjourns.

In those years in which a Presidential election occurs, the congressional convention also names a candidate for Presidential elector to be placed upon the State electoral ticket at the coming election.

8. **Nomination of Candidates for the United States Senate.** In a few cases candidates for the United States Senate have been nominated by the State conventions called for the purpose of nominating candidates for State offices, and the candidates thus nominated have "stumped" the State, — the election of members of the legislature turning upon the senatorial question. Examples of such cases are to be found in the memorable Lincoln-Douglas contest in Illinois, in 1858, and more recently in the election of General Palmer over Senator Farwell in the same State, in 1891, and of Senator Cullom over Mr. McVeagh in 1893.

As a rule, however, the nomination of a candidate for the United States Senate is made at a joint caucus of the party members of both Houses of the State legislature, the members of those bodies being generally chosen with very little reference to their preference for senator. The call for such a caucus is issued either by the caucus committees of the two Houses,[35] or by those members of the party who, for one rea-

[34] District committees are usually chosen to serve from the first day of the January following the holding of the convention. Thus the old committee conducts the campaign for the newly nominated candidate.

[35] The Senate and House caucuses, held at the beginning of the session for the

son or another, are favorable to a caucus nomination,[36] and if attended, as is usually the case, by the greater part of the members of the party in the legislature, its action is considered as binding upon all.

The caucus is called to order either by the oldest member present, or by some member named in the call, and the procedure is exactly the same as that of the caucuses of the two Houses of the legislature held at the beginning of the session for the purpose of nominating candidates for the various offices of their respective bodies. The only difference is that the caucus for nominating a candidate for senator is a joint caucus of the two Houses. It is customary to choose a member of the Upper House to act as chairman, and a member of the Lower House as secretary.

In States where one party has an overwhelming majority in the legislature, as is the case generally in the South, as well as in some parts of the North, it sometimes happens that no previous nomination of a candidate for senator is made, as there is no possible chance of a member of the opposite party being elected by any combination of disaffected members with the minority in open legislature. At the present time, however, there is a tendency on the part of political leaders to compel the holding of a caucus under all circumstances, for the purpose of preserving the party organization.

9. **Nominations for the Offices of the Senate and House of Representatives.** The only other national officers of a directly or indirectly elective character, which we have not considered, are the officers of the two Houses of Congress. The officers elected by the Senate consist of a President *pro tem.*, a Secretary, a Chaplain, a Sergeant-at-arms, and a Postmaster.

purpose of nominating candidates for President and Speaker respectively, choose caucus committees to look after the interests of the party on the floor of their respective chambers. See *ante*, chapter iii. § 8.

[36] It sometimes happens that the friends of a particular candidate prefer not to go into a party caucus for the reason that if the election were left to the open legislature their candidate would receive the support of members of the opposite party, which, with a minority of his own party, might be sufficient to secure his election; while if they went into a caucus the candidate of the other faction would be nominated, and they would be bound to vote for the caucus nominee.

The officers elected by the House of Representatives consist of a Speaker, a Clerk, a Chaplain, a Sergeant-at-arms, a Doorkeeper, and a Postmaster.[37] Of these only the President *pro tem.* of the Senate, and the Speaker of the House, are members of their respective bodies.[38]

Candidates for all the offices just mentioned are nominated at a caucus of the party members of the Senate or House, as the case may be. The call for such a caucus is usually signed by the chairman of the last caucus, if he is still a member, otherwise by some prominent party leader, or by a self-appointed committee. The procedure is exactly the same as that of the caucuses held by the party members of the two Houses of a State legislature held for a similar purpose, which has already been described.[39]

As long as one party continues to be in a majority in one of the Houses, there is usually no contest for the nominations, the old officials being re-nominated by acclamation. When, however, there has been a change in the political complexion of either House, the struggle for the different offices is very keen. This is especially true in regard to the office of Speaker of the House, owing to the fact that the incumbent of that office is in some respects the most powerful personage in the national government. The canvass begins months before the assembling of Congress; and during the days immediately preceding the decisive first Monday in December, the button-holing of new members, and the bargaining for votes in return for desirable committee places, are carried on with great energy.

The contest for the nomination for President *pro tem.* of the Senate, affords a striking contrast to the bitter struggle for the Speakership. The reason is of course to be found in the fact that the former is merely a standing substitute for the regular presiding officer, and that the committees of the Senate are elected by ballot instead of being appointed by

[37] These officers appoint their subordinates.

[38] For a detailed historical account of the election of the Speaker, see Mary P. Follett, *The Speaker*, chapter ii.

[39] See *ante*, chapter iii. § 8.

the chair as is done in the House.[40] Moreover, the presidency of the Senate is now less important than formerly: previous to 1886, the incumbent of that office was second in succession to the Presidency of the United States, a possibility of promotion which he no longer enjoys.

[40] The make-up of the majority of the various Senate committees, including the naming of the chairman, is determined by the regular Senate caucus of the majority party. The membership of the minority of the committees is determined in like manner by a caucus of the minority party. The nominees of the two caucuses are then elected by the Senate, as a matter of course.

Part III.

DEFECTS OF THE PRESENT SYSTEM.

CHAPTER V.

ABUSES OF THE CAUCUS OR PRIMARY.

1. **Importance of the Primaries.** In the preceding chapters our present nominating machinery has been described somewhat in detail. We have seen that, although at first sight rather complex, it is, in reality, simple; and that it is the result of a gradual development of the democratic spirit under a system of Republican government. But in spite of its simplicity and natural development, it must be admitted that it has of late years failed to give perfect satisfaction.

A careful examination of the matter makes it plain that the evils under which we are suffering at the present time are not due to the nominating machinery itself, but rather to the selections made at the caucuses and primaries, which, as we have seen, constitute the corner-stone of our whole nominating system. The importance of these primary meetings cannot be over-estimated. If the voters who attend them choose unfit men to act as their representatives in the various conventions, the nominees of these conventions are likely to prove unworthy standard-bearers of the party, and, as a result, the government will be badly conducted. This has been the case especially in our large cities, where bad nominations have been largely responsible for the corrupt and inefficient municipal government which has been such a disgrace to the American name.

In the present chapter we shall study the actual workings of the caucuses and primaries, upon the proper conduct of which the cause of good government so vitally depends.

2. **Primaries in Cities.** In the large cities the strain on the primaries is especially noticeable. New York, Philadelphia,

Baltimore, and Boston have been selected for special treatment here; but what is said of these would be substantially true of Brooklyn, Jersey City, Cincinnati, Cleveland, Chicago, Milwaukee, St. Louis, San Francisco, — in short, of every large city as well as of many of the smaller cities in the United States.

In the rural districts, complaints that the present system fails to give fair expression to the wishes of the party voters are comparatively few. This difference is due to four principal causes. In the first place, in the country towns each voter is usually acquainted with every other voter, and hence such practices as "repeating"[1] are practically impossible. Again, as a result of the comparatively small number of voters, the disorder incident to an over-crowded place of meeting is avoided. A more potent cause of the absence of the disgraceful disturbances which have characterized the city primaries is the fact that in the country the turbulent and excitable foreign element is less common. The people are mostly native Americans, deeply anxious for good government and quick to resent all unfair and fraudulent practices. Finally, the town governments have little to bestow in the way of lucrative public offices. It is in the cities that the spoils of office are mostly to be found. In addition to the important national offices in every large city, such as postmaster, collector of customs, and surveyor, there is the enormous patronage at the disposal of those in control of the city government. Hence, we find in the cities a class of professional politicians, with whom the management of caucuses and primaries is a regular business. Even the county offices, which are the only "spoils" in any way affected by the town and village caucuses, can be more effectively controlled by the politicians by devoting their energies to the choice of city delegates. For these reasons, the professional politician has a less favorable field in the country districts, and, as a consequence, the primary meetings are more apt to represent the free and honest sentiment of the voters.

3. **Early Disorderly Primaries.** A very common error is to suppose that the fraud and violence which at present exist in

[1] I. e. Voting several times under false names.

the party primaries in our large cities are of very recent origin. Political reformers are constantly referring us back to the pure period when caucuses managed by politicians were unknown, and when the proceedings of the primary were conducted in a staid and dignified manner. As a matter of fact, however, violence and fraud, as well as machine-control, are evils that have existed from the beginning. A few examples of primary meetings conducted by our ancestors may not be out of place.

A "Democratic-Republican" caucus held in 1823, in one of the New York wards, called out the following criticism from Niles:

> The meeting was held on Monday evening last. We know not how to gather the truth from the various and conflicting accounts before us, nor shall we attempt to blame any party; but it certainly appears that the meeting was exceedingly numerous and very turbulent; and there were two presidents and secretaries put up and sustained by the opposing parties, and each set did business for itself, — one ratifying the nomination [i. e. of the executive committee of Tammany Hall], and the other forming a new ticket.[2]

In the same issue of the *Register* is a mention of a "much-agitated" Democratic meeting at Albany, New York. A motion appears to have been made to instruct the persons nominated to vote for a law by which Presidential electors should be chosen by the people instead of by the legislature. A motion was then made to postpone the first motion indefinitely, and the chair declared the latter motion carried, "although the majority was undoubtedly in favor of the resolution and against postponement."[3] One of the ward primaries in New York city, held in the same year, was "exceedingly disorderly," and "broke up in confusion, the lamps having been broken, and the lights extinguished to defeat the will of the majority."[4] These disorders were not confined to any one

[2] *Niles's Register*, XXV. 131.

[3] This chairman has had many imitators in city primaries.

[4] *Niles's Register*, XXV. 81.

State; here is an account of a primary held in Philadelphia, in October, 1826:

The meeting was opened in the Court Room, William Jones, Esq., in the chair. Because of the crowd, it was proposed to adjourn into the State House yard. A division was attempted to be made on this motion, but the chairman could not determine whether the ayes or noes had it. Now the multitude began to cry aloud, — and from words many proceeded to blows, and most foul and provoking language was freely used; the president was hustled out of his chair, and the chairs and furniture of the room quickly broken into pieces or materially injured. A new chairman when about to take his seat, was not a little discomposed on being made a floor man instead of a chairman, by a sudden withdrawing of the seat from beneath him. The "Freeman's Journal" says that a Spanish knife was drawn but the use of it was prevented; and the "Democratic Press" asserts that in the confusion a gentleman of good reputation was assaulted by half a dozen of his own party who, among other things, "ferociously and fiercely bit him" with their teeth! and that this took place immediately in front of the chair &c. The differences arose because one party desired the nomination of Mr. Henry Horn, a friend of Gen. Jackson, and the other that of Mr. John Sergeant, a friend of Mr. Adams, for representative to congress. The number in favor of the former appears to have been the greatest, but after the separation of the parties each made a nomination for itself — as had better been done before they came into such disgraceful contact with one another.[5]

Again, the "management" of caucuses by politicians, in spite of the lamentations of recent writers, is a thing which has also existed from the very beginning. Samuel Adams was an expert in the "management" of caucuses. According to John Adams, Alexander Hamilton appears to have been somewhat familiar with the art of political management,[6] while the clever manipulations of that consummate politician, Aaron Burr, are but too well known to every student of American political history. Niles, writing in 1830, speaks in scathing terms of the "regencies and juntos, — the squads of contemp-

[5] *Niles's Register*, XXXI. 85.

[6] See *Works of John Adams* (ed. of 1850), VI. 542–5.

tible politicians who have managed the nominating meetings." [7] About the same time the editor of the Philadelphia *Gazette*, after calling attention to the fact that elections are really decided at the primaries of the two leading parties, declared that "all the science and skill of politicians have been exerted in the election of delegates to the party conferences and in managing them in their convocations." [8]

4. **New Difficulties in the Primaries.** No pleasure can be drawn from knowing that our ancestors were "turbulent" and sometimes dishonest in their caucuses and primaries; but this fact shows that the difficulty is inherent, and not the result of local or temporary conditions. Indeed, considering all the circumstances, there would seem to be greater self-restraint now than in the times we have just been considering; for to-day we have two factors to deal with which did not then exist, — the "spoils system," in the government service, and the concentration in our large cities of great numbers of foreigners. We can hardly expect greater moderation on their part than was shown sixty years ago by the sons of the signers of the Declaration of Independence. The violence and fraud which exist in the party primaries in our large cities are due to the character of the voters who attend them. The only effective remedy for the evil is the raising of the general level of intelligence of the voters themselves, accompanied by the enforcement of statutes severely punishing all unlawful acts. A third difficulty, in the way of good nominations, has been the rapid growth of a class of politicians who make the management of the primaries their means of livelihood, — a state of affairs made possible by the continued existence of the spoils system.

These three difficulties are each most serious, and combined they even threaten the existence of republican government. The extension of civil service reform will tend to diminish the prizes obtainable through caucus management; as time goes on, if further immigration be properly restricted, the city populations must become more homogeneous and more American. The political manager will always be with us; but by

[7] *Niles's Register*, XXXVIII. 231. [8] *Ibid.*, XXXVI. 363.

rigid laws he may be restrained from overriding the wishes of the majority of the caucus. A higher view of the public service, and of the qualifications necessary for those who would take part in it, is the only final remedy.

5. **The Primary in New York City.** In New York one is struck at the outset by the complications caused by the large number of local officers to be elected. To make matters worse, up to 1894 the State and city elections were held on the same day. The city officers[9] elected by the people are a mayor, comptroller, president of the board of aldermen, one alderman in each of twenty-five districts, a sheriff, county clerk, register, four coroners, a district-attorney, six justices of the Superior Court, six justices of the Court of Common Pleas, six justices of the city court, one district court civil justice in each of the eleven judicial districts, a recorder, two judges of general sessions, a city judge, and a surrogate. The voters on the same day, in 1892, voted for the greater part of the following State officers: a governor, lieutenant-governor, secretary of State, comptroller, treasurer, attorney-general, State engineer and surveyor, judges of the Supreme Court and the Court of Appeals, together with twenty-four assembly-men and eleven senators chosen by districts. There were also thirty-four presidential electors to be voted for, and one congressman from each of the nine districts included within the city limits.[10] It is obvious that with such a number of offices to be filled, no system of nomination can be made to work satisfactorily; for the individual voter or delegate cannot have sufficient time to consider the merits of each candidate for each nomination. There are three methods of remedying this difficulty, all three of which should be applied simultaneously. (1) The election of only a few of the more important officers by the people, — the remainder to be appointed by the mayor or governor, as the case may be;[11] (2) the holding of separate primaries for the election of delegates to different conven-

[9] Including county officers, as New York City and County are practically one and the same.

[10] See article by A. C. Bernheim, in *Political Science Quarterly*, III. 99–123.

[11] See Bryce, *American Commonwealth* (2d ed.), I. 615.

tions; (3) the holding of municipal elections at a different time from State and national elections. The last reform has already been adopted,[12] and its adoption is a decided step on the road towards good municipal government.

Previous to the great upheaval of 1894, nominations in New York city had been controlled by three organizations, the Tammany Hall Democracy, the Republican organization, and the County Democracy, — principally by the two former.

6. **The Tammany Organization.** The Tammany Society, or Columbian Order, was organized by William Mooney, in 1789. The name "Tammany" was taken from that of an Indian chief, and the organization imitates, in a general way, Indian customs, being governed by "Sachems," or chiefs, and a "sagamore," or master of ceremonies. Its members are called "braves," and its place of meeting the "wigwam." This organization, which is of a social character, must not be confused with the "Tammany Hall Democracy." The two are separate and distinct bodies, the only relation between the organizations being the fact that the Democracy has its headquarters in the building belonging to the Tammany Society, but pays rent like any other tenant. It is true that the "Sachems" of the Tammany Society are also members of the "Democracy;" but this is simply because they choose to become members of both organizations.

The Tammany Hall Democracy calls itself the "regular" Democratic party in New York city, and has almost invariably been recognized as such by the State and national committees. The basis of the entire organization is the "General Committee of Tammany Hall," which is composed of "one member for every fifty Democratic electors in each assembly district," [13] making a total membership of about four thousand. This general committee, the members of which are elected at

[12] By the Revised Constitution of New York, adopted in 1894, it is provided that the elections for State and national officers shall occur in the even numbered years, and the election for city and county officers in the odd numbered years. (Arts. III. and XII.)

[13] *By-Laws and Regulations of the General Committee of Tammany Hall*, Art. I. Sec. 1.

the party primaries, meets once a month, and is declared to be "the repository of all organic power." [14] In October of each year the committee sits as a county convention, and nominates the party candidates for the various county offices, — candidates for the other offices being nominated, in the first instance, by primaries in the various election districts. Within the general committee is an executive committee, composed of one member from each assembly district, — who is always the recognized leader of the party in his district, — together with the chairmen of the committees on organization, finance, and correspondence of the whole body, making thirty-three in all.[15] By this committee, according to one of the prominent members of the Tammany organization, "all the internal affairs of the organization are directed, its candidates for office selected, and the plans for every campaign matured." [16] We have here a frank avowal on the part of this writer, that the regular Democratic candidates in New York city are selected by this executive committee of thirty-three men.

Recent writers upon this subject have asserted that the by-laws of the Tammany organization theoretically provide for nominations by all the Democratic voters in the various assembly districts, but that the action of the primaries is subject to the inspection of the central executive committee, and hence the whole system is a farce.[17] The fact is as stated; but the deduction is unwarranted. There is no express provision in the by-laws for the holding of primaries or conventions, and there is an express statement that the committee on organization, which has charge of the calling and conduct of all primaries and conventions, "shall in their discretion have power of revision and substitution of all nominations hereafter made by conventions called by this general committee or any district committee of this organization whenever the honor, preservation, and integrity of this organization shall require

[14] T. Mitchell Tyng, *Tammany from Within: Tammany Souvenir*, 1893, 108.

[15] *By-Laws of the General Committee*, Art. XIV.

[16] *Tammany from Within: Souvenir*, 108.

[17] A. C. Bernheim, "Party Organizations and their Nominations to Public Office in New York City," in *Political Science Quarterly*, III. 107; F. W. Whitridge, *The Caucus System*, 19.

such action." [18] No member of Tammany supposes that the primaries really nominate; the theory of the organization is that the Democratic voters delegate all their power of control to the general committee, which, in turn, delegates its power of nominating candidates to its executive committee (acting through the committee on organization), subject, in the case of nominations for county offices, to the approval of the whole committee. In short, the Tammany Democracy is a strongly-centralized political society, with a loyal constituency of over 100,000 voters, and no sufficient means of controlling the heads of the organization.

Under these circumstances, it is not surprising that the Democratic primaries in New York city appear to be very much "cut and dried." "The published notice of Tammany," says Dr. Bernheim, in describing the primaries of 1887, "ordered that the election should be held between 7.30 and 9 P. M., and that 'inspectors must fully comply with the primary election laws of the state of New York so far as the same are applicable.' The extent to which Tammany regards the election laws as applicable is amusing. In the second assembly district there were about thirty people in the meeting rooms; the reporter remained from 7.30 to 8.15 P. M., and saw no meeting whatever; before leaving the room, he asked one of the persons in attendance whether there would be a meeting, and he was told 'most probably not, because there is no opposition.' In the fourth assembly district the reporter attended from 7 to 9 P. M.; he saw people sitting about the room playing poker and other games; the meeting was not called to order until 8.40 P. M., because the man with the ballots did not arrive. It was then moved that the secretary cast one ballot for the society, which being done, the meeting was adjourned." [19]

The writer then goes on to say that the other primaries were conducted in the same manner. "Nowhere," he says, "were there ballot boxes or tally lists; in some of the districts

[18] *By-Laws, Rules, and Regulations of the General Committee of Tammany Hall*, Art. VIII. Sec. 7.

[19] A. C. Bernheim in *Political Science Quarterly*, III. 118.

there were no meetings,[20] and in many of them the meetings were not held at the time appointed by the committee on organization. Evidently Tammany does not regard the election laws as 'applicable' very far, for it holds its elections at such time and in such manner as it pleases."

Since 1887, the condition of things does not appear to have materially changed. The first thing needed in the case of the Democratic primaries is the strict enforcement of the existing State laws governing primary elections, and the requirement of some definite mode of procedure, instead of leaving it to be determined by party rules. But, of course, there cannot be any reform so long as the great mass of the Democratic voters are willing that their nominations shall be dictated by the central executive committee. If, however, the voters are by statute given a fair opportunity of expressing their views at the primaries, they may some time revolt against the machine and its rules; in which case their right to have the names of the candidates whom they have nominated placed upon the official ballot, will be protected by the strong arm of the law.[21] The strength of the Tammany organization lies in the fact that the voters have abdicated their own powers; its danger has been in the acquisition of this enormous power by unscrupulous men, who, by their control of the nomination and election of all the municipal offices, aided by the spoils system, have been able to keep themselves in power by means of the enormous patronage at their disposal.[22]

7. **The Republican Organization in New York City prior to 1883.** For a considerable period after the close of the Civil War, the Republican party organization in New York city was in a deplorably corrupt condition. William M. Tweed owed his extraordinary lease of power quite as much to his heelers in

[20] For instance, in the sixth assembly district one hundred and fifty persons were chosen as delegates to the various conventions at a meeting which never took place.

[21] For the nature and extent of such legal restrictions, see chapter ix.

[22] Continued control of the offices, and hence success on election day, are of course essential to the retention of power by the machine. For this reason, each member of the all-powerful executive committee, who is always the leader of his assembly district, is obliged to keep up the party majority in his district, at the risk of losing his position, with the accompanying share of the spoils.

the Republican District Associations as to the machinery of his own party.[23] Finally, several years after the honest element of both parties had succeeded in ousting Tweed and his gang of robbers from their place of power, a special committee was appointed by the Republican State Committee to reform the party organization. Of the 751 names upon the list of Republican voters in one district, only 279 proved to be those of *bonâ fide* residents of the district, the rest being names of deceased persons, or of persons who had moved away. The same state of things was found to exist, to a greater or less extent, in all the assembly districts of the city.[24]

As a result of their work, the committee submitted a plan of organization which was adopted, and which remained substantially in force until 1883. This scheme of organization has been described by Mr. F. W. Whitridge in his admirable little book on the "Caucus System."[25] In each of the assembly districts there was a Republican District Association, a sort of permanent club sending delegates to the Republican Central Committee, which committee had general charge of the affairs of the party in the city. Inside, there was a small executive committee, which, as in the case of the Tammany organization, was the "power behind the throne." In theory, a meeting of one of the district associations was a caucus or primary of the Republican voters of that assembly district. As a matter of fact, however, no Republican was allowed to vote at a primary unless he was a member of the District Association. In order to become a member, his name had to be proposed by some member, posted, referred to a committee, and finally voted upon, as in a social club; if he obtained a majority vote of the members present, he became a member after taking a solemn oath "to submit to the legally-expressed action of the association, and of the central committee," and to support loyally all the party nominees. Any

[23] From the beginning, no Republican voter has been permitted to vote at a primary unless his name is enrolled on the membership roll of the Assembly District Association of his district.

[24] See Article by George Walton Green, entitled "Our Nominating Machines," in *Atlantic Monthly*, LII. 323.

[25] *The Caucus System*, 16.

member reported by the Committee on Discipline to be at all lacking in obedience could be expelled from the association by a majority vote of the members present.

As a natural result of such regulations, the district associations quickly drifted into "close corporations" of interested politicians. Probably nine-tenths of the Republican voters of New York city were excluded from membership in the district associations, and hence, for all nomination purposes, were completely disfranchised. In their efforts to prevent Democrats from voting at Republican primaries, which had been such an evil in the days of Tweed, the reformers now prevented even Republicans from taking part in the nomination of party candidates. The reformed Republican organization soon fell into the hands of the "machine," as is shown by a letter written in 1880, by Mr. George Bliss, one of the party leaders, to Hon. Chester A. Arthur, then chairman of the Republican State Committee:

> . . . The rolls are deceptive. . . . In one district half the names of those on the rolls are not known in the district. These bogus names afford a convenient means for fraudulent voting. The rolls of many of the districts are full of the names of men not Republicans, and are used by the managers to perpetuate their control of the associations. On the other hand, desirable members, good Republicans, who have an absolute right to become members are excluded. Sometimes this is done by direct rejection, but often by a refusal to vote upon the names presented.[26]

Three years later, the condition of affairs was even worse. "Not one in three of the presidents of the twenty-six Republican associations is a man of ordinary capacity, or even of ordinary education," said the New York *Times*, shortly after the election of 1883; "sixteen of the twenty-six hold city, State, or federal office. . . . From alderman to judge of the supreme court, no name appears on the party ticket which has not been selected by this band of office-holders and office-seekers. They send the delegates who assume to speak for the

[26] See *The Independent Movement in New York*, by Junius (Dorman B. Eaton), New York, 1880, 102. (Questions of the Day Series.)

80,000 New York Republicans at a state convention, and, save for the casual jurisdiction of the state committee, there is no authority in the party which they cannot set at defiance."

8. **The County Democracy in New York City.** The "County Democracy" was organized in 1881, as a result of a combination of the various anti-Tammany factions of the Democratic party in the county of New York. The "Plan of Organization," which was drawn up by a self-appointed committee of one hundred prominent Democratic citizens, provided among other things, that "all Democratic voters who voted in the election district in which they reside at any primary election duly called under this plan, held in the district during the next preceding or the current year, shall be members of the election district association of the district," [27] the intention being to give all Democratic voters an opportunity to vote at the party primaries. In addition, it was made the duty of the secretary of each assembly district committee to keep a corrected list of the members voting at all primaries, and to give four days' notice of the time and place of all primaries by publication in one or more of the principal Democratic newspapers. At the primary, the voter was obliged to state to the judges his name and residence, and the persons for whom he desired to vote, or else was permitted to cast an open or unfolded ballot. Finally there was a provision that all nominations should be made by conventions of delegates chosen by the voters in the district in which the candidate was to be voted for.[28]

With such liberal rules in regard to participation in the primaries, one would naturally expect to find a more satisfactory state of affairs than in the case of the primaries of the Tammany Democracy. Yet the primaries held under the régime of the county Democracy soon fell into a state of which the following incident, in 1887, is an example.

"In one of the election districts of the sixth assembly dis-

[27] See *Political Science Quarterly*, III. 108.

[28] There was an assembly district committee, composed of one delegate for each one hundred Democratic votes cast in each election precinct. There was also a county committee, composed of delegates from the various assembly districts.

trict, where one delegate was chosen, only one vote was cast; after a little while the candidate for delegate dropped twenty-two ballots in the box, and wrote on the tally-sheet twenty-two names. The ballot box was opened, and the result declared that the candidate was elected delegate by twenty-three votes. This delegate-elect foretold with great accuracy the number of votes cast and the successful candidates in the other election districts."[29]

Whatever the theory of the leaders of the County Democracy, their conception of the "application" of the primary election laws was hardly distinguishable from that of the Tammany chieftains. It is evident that so long as the voters neglect to attend the primaries, or to insist on their rights, the laws of the State governing primary elections will continue to be a dead letter.

9. **The Present Condition of the New York Primaries.** It cannot be said that the condition of the New York primaries has improved since 1883. In that year a revolt took place in the Republican organization, and again the by-laws were radically amended, with the object of giving all Republican voters, and none but Republican voters, an opportunity to vote at the party primaries. These rules, which will be described in a later chapter, seemed likely to accomplish the purpose of the framers; but in practice things soon drifted back into the old rut, and the condition of affairs is now little, if at all, improved. A new re-organization has been talked of, and at one time, in 1895, it looked as if a movement in that direction was about to be made; but the influences which control the party in New York city do not leave room for much hope of success.

The revolt against the Tammany régime in the Democratic party has already been referred to. The County Democracy, however, never succeeded in getting recognized as the "regular" party organization, and it never wielded any great influence in the party councils. The condition of its primary meetings, as we have seen, soon became as unsatisfactory as those of the Tammany organization, which it sought to over-

[29] *Political Science Quarterly*, III. 118.

throw, and about two years ago it appears to have quietly collapsed. As for Tammany, it was scotched in the election of 1894, but its organization is apparently unimpaired. Although it has lost its control in municipal affairs for a time, nevertheless, its grip on the Democratic organization of the State, as well as of the city, is still firm, and not to be easily shaken off. At the present writing there is a strong movement among the rank and file of the Democratic voters of New York State to throw off the intolerable yoke that has so long rested upon them. The division in the Democratic party on the financial question certainly affords a splendid opportunity for a thorough re-organization of the party both in the city and State, and the election of the best men to positions on the State, county, and district committees.

10. **Boss-rule in New York City.** It is evident, from what we have seen, that the caucus or primary, in the true sense of the word, does not exist in New York city. In the case of the Republican party, the election of delegates to the various conventions in a given assembly district is made, not by a primary meeting of the party voters of that district, but by a small select club, — a "close corporation" composed largely of professional politicians and their friends. The only difference between this state of affairs and that under the Tammany régime is that in the latter case the Democratic voters, or at least a majority of them, delegate their power of making nominations to the "general committee," while in the former the assembly district associations have usurped the power of making nominations without any authority from the rank and file of the party voters. In the case of both organizations, there is a marked tendency to consolidate the nominating machinery in the hands of a few men. In both organizations, the chairman of the central executive committee, by means of his enormous power over the primaries, combined with the patronage at his disposal, can easily maintain himself in power. In the case of the Tammany organization, the career of "Boss Croker" is an illustration of this centralizing tendency; while in the Republican party the enormous influence wielded by "Boss Platt" shows only too plainly what can be accom-

plished by a shrewd man under the present un-democratic system.

Reference has already been made to the upheaval in New York city in 1894. The organization and work of the Committee of Seventy will be discussed in a later chapter;[30] but it is interesting to note, in this connection, that the reformers have been more or less hindered and blocked in their work by the hostile influence of Mr. Platt, made effective by his control over the Republican organization in New York city.

The only way in which the voters of New York city can free themselves from boss rule is by a revolt of the voters of each party against the machine and the adoption of a new party organization upon a right basis. The difficulties in the way of such an undertaking are of course enormous. It would demand the expenditure of an immense amount of time and thought by the leaders of the movement, combined with the hearty and enthusiastic co-operation of all public-spirited citizens. If the movement in the two parties could occur simultaneously, the chances of success would be much greater than if action were undertaken separately. In the latter case the "machine" would immediately set up the cry that party success was imperilled, and large numbers of the rank and file, with whom party victory is often of more importance than the maintenance of right principles, would be induced to vote the "regular" ticket.

But let us suppose that this dream of a thorough re-organization of both the great political parties in New York city should perchance become an accomplished fact, what then? Would the work of the reformer be finished? Most decidedly not. No fresh starting of the wheels of party government, no mere adoption of carefully prepared by-laws can result in any permanent good, so long as the interest of the great mass of the voters of both parties is confined to occasional outbursts of public virtue. What is needed is a steady, persistent attention to political matters, — a deep realization of the fact that in a government such as ours "eternal vigilance is the price of liberty."

[30] *Post*, chapter x. § 4.

11. **Primaries in Philadelphia.** In New York the machine has owed its sway to the fact that the power of making nominations has by the party rules been given into the hands of committees or of self-perpetuating clubs. In Philadelphia, however, the bosses seem to allow the voters to select delegates, and then deliberately set aside their verdict, as rendered at the primaries. At nominating conventions in that city, according to a Philadelphian, "the man who succeeded in getting the temporary chairmanship always got the nomination without regard to the number of delegates elected for him."[31] A writer in the *Penn Monthly*, in 1881, indignantly asks:

> Against such influences, what can the honest and unorganized public do? If they select delegates not desired by the politicians, certificates are given to those not elected; or if that is imprudent, the certificates are thrown out by the convention to which they are directed. The best proof of this fact is that for years the list of nominees for office in this city has been publicly known days, weeks and sometimes months before the delegates to choose them were named.[32]

During the last twelve years the work of the Committee of One Hundred and similar organizations has considerably improved the state of affairs in Philadelphia. Another step in the way of reform, so far as the Republican party is concerned, was taken in 1893, in the adoption of a new set of rules governing the party primaries and conventions.[33] They contain careful provisions for the registration of the party voters, and at the same time are so framed as to give every Republican voter an opportunity to vote at the party primaries. They also apparently contain every possible safeguard against falsification of the returns of the primaries, the refusal to admit to conventions duly elected delegates, and those other fraudulent practices by which the machine politicians have successfully nullified the wishes of the party voters.

[31] *North American Review*, CXXXVII. 263.

[32] Mr. Mayer Sulzberger in *Penn Monthly*, XII. 184.

[33] *New Rules of the Union Republican Party of Philadelphia*, 1893. The main features of these rules will be discussed in chapter viii.

Whether these new rules will prove successful in accomplishing the purposes for which they were framed, it is as yet too early to determine.[34] At all events, they ought to be supplemented by the enforcement of statutory regulations, punishing severely any violation of the party rules, as well as all forms of fraud and corruption, either at the primaries or at conventions.

12. **The Baltimore Primaries.** That the condition of affairs in Baltimore has been, in some respects, even worse than that in New York and Philadelphia, is evident from the following graphic description by an ex-member of the Maryland Legislature of the situation in 1879:

> The roughs of both parties unite to carry for each other primaries in their class interest, to drive away the respectable element, and when not numerically strong enough, to stuff the ballot box with "pudding tickets," — one ticket sometimes enclosing some twenty slips, — which the rascally election judges deliberately open and count for their nominee. . . . Each party in Baltimore is instructed by their city convention to receive votes from a certified court copy of the last revision of registration. Sometimes they obey; but as we have over thirty thousand graveyard and imaginary names on the registration lists, these are used by primary election manipulators for hired repeaters. This being the case, gentlemen will no longer attend primaries or support the class of men they force on each party.[35]

In speaking of the primaries in 1879, the same writer says: "A city councilman and member of the 'Three Tenths Social Club,' together with a city magistrate, brought wagon loads of hired repeaters from the Eighteenth ward, 'voted' them for the ring candidate in the Twentieth ward, and then drove them over to the Eleventh ward, where they again voted their roughs for the ring candidate. The reward of one of the prin-

[34] According to the testimony of Mr. William B. Ahern, Secretary of the Republican City Campaign Committee, under these rules, which were revised in 1894, both the primaries and conventions in Philadelphia have been more fairly conducted than ever before.

[35] "Facts about the Caucus and the Primary," by George Walton Green, in *North American Review*, CXXXVII. 261.

cipals for this sort of work was a $1,600 clerkship in the city appeal court."[36]

Here, as in New York and Philadelphia, the cement which holds the party organization together is the intimate connection between the control of the nominating machinery and the spoils of office. The present condition of affairs in Baltimore is set forth in a report of Civil Service Commissioner Roosevelt to the President in 1891. Mr. Roosevelt was notified that the provision of the Civil Service Rules, prohibiting the participation of Federal office-holders "in the manipulation of political primary meetings," was being violated in the Federal offices in Baltimore; and, accordingly, he conducted there a searching investigation into the alleged violations of the law.

The primaries in which the alleged violations of the civil service rules occurred were held on March 30, 1891, and were characterized by a very bitter contest between the "Johnson-Airey" and the "Henderson-Stone" factions of the Republican party.[37] What occurred is thus described by Mr. Roosevelt:

> Many of the witnesses of each faction testified that the leaders of the opposite faction in their ward had voted "repeaters," Democrats, and men living outside of the ward, in great numbers, and I am inclined to believe that in this respect there is much reason to regard the testimony of each side as correct in its outline of the conduct of the other. Accusations of ballot-box stuffing were freely made with much appearance of justification. A number of fights took place. In many wards there were several arrests; in one or two cases so many men were arrested that the police patrol wagons could not accommodate them. . . . One of the incidents of the day was an effort on the part of Marshal Airey to drag a judge whom he accused of misconduct, out of the window, a fierce scuffle being the result. In another ward a Johnson clerk detected, as he thought, signs of cheating and broke open the ballot-box, taking out two huge handfuls of so-called "pudding" ballots,[38]

[36] *North American Review*, CXXXVII. 261.

[37] Mr. Johnson was the postmaster, and Mr. Airey the United States marshal in Baltimore. Messrs. Henderson and Stone had been their unsuccessful competitors for those positions.

[38] A "pudding" ballot is composed of a number of ballots folded together so as to appear as only one.

whereupon the two Henderson judges threw him out of the window, and all three were arrested. . . . In a number of wards the election was practically stopped, on account of the disorder, early in the day. There was a general feeling that whichever side had the majority of the judges had the election. . . . There was considerable complaint of bribery; in some cases votes were said to have been bought for money; in others the charge was that outsiders, not Republicans, possibly not residents of the ward, had been offered drinks to participate in the primary. Most of the witnesses spoke of the cheating in a matter of course way, as being too universal and too common in primaries generally to be worthy of notice, and a great number of them did not seem to bear any special malice against their opponents for having cheated successfully, — if anything rather admiring them for their shrewdness, — and frankly testifying that it was only lack of opportunity that had hindered them from doing as much themselves. Two of the witnesses, both Henderson adherents, employees of the custom house testified with refreshing and cheerful frankness to this effect. One of them, Mr. Horner, remarked anent fixing up "pudding" ballots, "I would have done the same thing myself; I believe in doing anything to win." This individual's son was one of the judges of election. Whether he shared his parent's latitudinarian views of political morality, I do not know.[39]

The participation of office-holders in the management of the primaries was very strikingly brought out in the testimony. All the witnesses seemed honestly to believe that the business of managing primaries and of politics generally belonged, by right, to office-holders and office-seekers. Mr. Horner, the custom-house employee already referred to, in answer to the question whether it was a "well-recognized state of affairs that it is the office-holder's business to manage the primaries," answered, "Of course; why not?"[40] The testimony of Mr. Reed, another custom-house employee, upon the same subject was as follows:

Q. As a matter of fact, in your ward, it is the office-holders

[39] *Report of Commissioner Roosevelt, concerning Political Assessments and the Use of Official Influence to control Elections in the Federal Offices at Baltimore, Md.* (Washington, 1891), 2, 3.

[40] *Ibid.*, 134.

who run the primaries? A. Exactly; they are the ones that ought to.

Q. It is mainly the office-holders who run the primaries? A. Most undoubtedly, — the great majority are office-holders or people who want office.[41]

13. **Caucuses in Boston.** Although Boston has never fallen into the hands of plunderers, and although the interference of Federal office-holders has not been so strikingly displayed as in Baltimore, nevertheless, even here the caucuses of at least one party offer a puzzling problem to the political reformer. A free fight in the Democratic ward-room, followed by the secession or "bolt," as it is called, of the defeated faction, was until very recently the rule rather than the exception; while ballot-box stuffing and other fraudulent practices are still of common occurrence. In May, 1893, Democratic caucuses were held in the different wards for the purpose of choosing members of the ward and city committee, — the committee which was to sit, in the fall, as a convention to nominate the party candidate for mayor. The following is a newspaper account of the caucus in Ward 12. The proceedings illustrate extreme caucus methods:[42]

THE RUM DEMOCRACY.

IT WAS TOO MUCH FOR HONEST JOHN QUINN IN WARD TWELVE.

The rum Democracy of Ward 12 would have none of Honest John Quinn, Jr., last night, and threw him over for good and all. It was done in such a cold-blooded way that the followers of Mr. Quinn bolted and held a caucus and elected members of the City Committee.

Some time before the caucus the ward room was the scene of much excitement, and it was openly asserted that Quinn would not get a chance to do anything. A Lieutenant, a Sergeant, and eighteen patrolmen were on hand to preserve the public peace and see that the opposing forces did not come to blows.

[41] *Report of Commissioner Roosevelt, concerning Political Assessments and the Use of Official Influence to control Elections in the Federal Offices at Baltimore, Md.* (Washington, 1891), 141.

[42] This account is taken from the *Boston Journal* of May 11, 1893.

There was a full hall when Chairman J. H. Mullane of the Ward Committee mounted the rostrum to read the call for the caucus. He had hardly done so when Representative John Quinn, Jr., standing directly in front of him, called out in clear, loud tones, "Mr. Chairman." Chairman Mullane looked straight ahead, and, strange to say, he did not seem to see Mr. Quinn at all, although he is a man of large size, and tall — above the average. All this time Mr. Quinn was yelling "Mr. Chairman" at the top of his voice, but Mr. Mullane discovered over a little distance another man, Cornelius F. Desmond, and imagined that he heard him nominate John Morrissey for Chairman. Taking it for granted that this was so, he put the motion and declared it carried, though there was not an over loud "yea" and a somewhat emphatic "nay."

Thereupon Mr. Morrissey clambered over the rail in the midst of most emphatic protests and hisses and howls from all parts of the room. Mr. Quinn loudly protested to all this illegality, as he denounced it, but his words fell upon deaf ears, and the officers of the caucus went on with the transaction of business, just as if there were quiet, instead of a babel of voices demanding justice.

Finally Mr. Quinn went over to another part of the hall and gathered his followers about him. Getting upon a table, he began to speak. "On one side of that rail," he said, "are the honest Democrats of this ward, and on the other the traitors to the party. We call on you as men to protest against the proceedings here to-night."

Just here Chairman Morrissey rushed around from behind the rail, and, reaching up, pulled Mr. Quinn off the table, and two or three other men jumped into the *mêlée*, and pulled Mr. Quinn violently toward the door, as if they would throw him downstairs. Just here, however, some of his friends reinforced him and brought him back into the hall. All this time Mr. Quinn was calling on the police in the name of the law, but they offered him no aid. He got up on the table again and denounced in scathing terms the rum Democracy which had made the ward captive and was trampling on the rights of the people. He closed by calling for three cheers for Governor Russell and asked his followers to go forth with him to elect a ticket for members of the City Committee. At this point Chairman Morrissey rushed up to a police officer and ordered him to put Quinn out of the room. The officer was moving to do this when Mr. Quinn and his friends went out of their own accord.

Journalists, however, are apt to exaggerate the details of such scenes. Perhaps the testimony given before the special Recess Committee appointed by the House of Representatives of the Massachusetts Legislature of 1893, to investigate the general subject of caucus reform, may be more authentic.[43]

A Democratic member of the Massachusetts Legislature stated that the Democratic caucuses in Boston are simply meetings to ratify the dictates of the ward committees. In each ward the ward committee, composed of ten or a dozen men, make a "slate nomination" of those whom they desire to be the party candidates for representatives in the legislature from that ward. These slate nominations are sure to be victorious at the caucus, no matter what the vote may be. The voters who favor candidates other than those "slated" by the ward committee find no effectual means except to make violent protest, and, as a result, a free fight usually ensues between the opposing factions. At a caucus held in 1890, for the purpose of nominating candidates for the Common Council, one of the voters present was seen to put a bunch of ballots into the ballot-box. Immediately there was an uproar, the lights in the hall were turned out, and a free fight took place in the densely-packed hall. After the disturbance had subsided, the chairman declared the polls closed, and the votes being counted, it was found, of course, that the "machine" candidates had been nominated. Thereupon a "bolt" of the "anti-machine" faction took place.[44]

Another witness, a prominent independent Democrat,[45] drew the following graphic picture of a typical Democratic caucus in Boston. The densely-packed meeting is called to order by the chairman of the ward committee. The first business in order being the choice of a permanent chairman, the chairman of the ward committee calls for nominations from the floor. Several eager individuals endeavor to get the floor; but the

[43] The accounts which follow are from notes taken by the writer at the hearings.

[44] Hearing before the Recess Committee on Caucus Reform of the Massachusetts Legislature of 1893, held at the State House, Boston, Nov. 13, 1893. Testimony of Representative-elect John Quinn of Ward 12.

[45] Mr. John B. Moran.

chair sees only the one agreed upon beforehand by the ward committee, who nominates the "slate" chairman. Turning a deaf ear to the presentation of all other names, the chair calls for a *viva voce* vote on the single name, in the usual form, — "All those in favor of Mr. —— serving you as chairman will say 'aye,' — those opposed will say 'no.'" There are a few feeble "ayes" followed by a deafening volley of "noes." "The 'ayes' have it, and Mr. —— is elected," solemnly cries the chairman. At this point a serious disturbance usually occurs, resulting from an attempt on the part of those opposed to the machine to prevent the fraudulently-elected chairman from taking the chair. This, however, is quickly settled by the chairman's ordering the police officers present to remove the obstructors from the hall.[46] After the same farce has been gone through with in the election of a secretary, voting begins, and in the large wards lasts until long after midnight. The "check-lists" of registered voters, which the law requires to be used at all caucuses, being in the hands of the ward committee, repeating is carried on on a large scale, from three to four hundred fraudulent votes sometimes being cast in this way at a single caucus. In the midst of the voting a disturbance frequently occurs, some one turns out the lights, and in the darkness some member of the machine "stuffs"[47] the ballot-box. If, in spite of all this, it is found, on counting the votes, that the candidate of the machine is still in the minority, he is assigned enough additional votes by the tellers (who are appointed by the chairman) to give him the nomination.

Another feature which came out at this invesigation was the intimidation of city employees. According to the testimony, at a Democratic caucus in Ward 21, in the spring of 1893, for the purpose of choosing a ward and city committee which was to nominate the party candidate for mayor, 174 city laborers

[46] In Boston, until recently, a fee of two dollars was charged by the city authorities for the use of the ward-rooms for the holding of caucuses; and according to a city ordinance, the chairman of the ward committee being the lessee, the police were ordered to obey his directions. By the provisions of the new caucus act, the city is required to furnish polling places in the different wards at the public expense.

[47] The practice known as "stuffing" the ballot-box consists in putting into the box a number of ballots which have not been legally cast.

participated. The "regular Democratic ticket for city committee" was printed on paper of light red color, and was distributed to the voters by two well paid city employees. The bosses were there to see that all the city workmen voted the colored ticket on pain of being summarily discharged from the city service. This flagrant form of intimidation was practised, to a greater or less extent, in all the wards of the city.[48]

Another witness, Mr. E. P. Clark, had been a candidate for the nomination for representative in his ward in 1893. The rules of the Democratic City Committee provided that, at the written request of the qualified voters, a registering ballot-box, such as is used at the regular election, should be used at the caucus. Mr. Clark, desirous of a fair vote, accordingly presented to the chairman of the ward committee such a request. The chairman, however, coolly tore up the request, and deposited the pieces in the stove, at the same time asking Mr. Clark what he proposed to do about it; Mr. Clark was not able to do anything about it, the old-fashioned open ballot-box was retained, and the chairman and secretary agreed upon by the ward committee were duly installed. The chairman then invited the various contestants for the nomination "behind the rail," presumably to see that everything was conducted fairly and honestly; but upon Mr. Clark's asking permission to examine the inside of the ballot-box before the voting commenced, he was forcibly ejected from the hall by the police, acting under orders from the chairman. Although, according to impartial observers, there were not more than 300 voters present at the caucus, the vote received by the machine candidate, as returned by the tellers, was 510 as against 234 for Mr. Clark.[49]

There seems to be in Boston no such use of bribery as exists in Baltimore, and the interference of Federal office-holders is comparatively insignificant; but municipal office-holders take an active part in the nomination of candidates; and it appears to be plain that, as the caucuses are now con-

[48] Testimony of John B. Moran.

[49] Testimony of Edward P. Clark at a hearing before the Special Recess Committee, held at the State House, Boston, Nov. 21, 1893.

ducted, it is impossible for the Democratic voters of Boston to nominate the persons to represent them that they desire. The nomination can be had only by a previous arrangement with the ward committee.[50] The successful candidate therefore naturally feels himself responsible to the ward committee rather than to the voters, and will, in matters of State legislation, or in the conduct of city affairs, obey the "machine," rather than the wishes of the people. Where there is little or no opposition to the "slate" arranged by the ward committee, that omnipotent body deigns to permit a fair caucus. Just as soon, however, as the success of their "slate" is imperilled, they resort to every fraudulent method for the accomplishment of their purpose. The remedy suggested by most of the witnesses at the hearings was the passage of a law requiring caucuses to be held under the same regulations as the Australian ballot law prescribes for the regular election.

As a result of the investigation before referred to, the Massachusetts Legislature, in 1894, passed a caucus act, making the Australian system of voting compulsory in all the Boston caucuses.[51] This act has had two trials, in 1894 and in 1895, and those two trials have proved conclusively the value of such legislation. Mr. John B. Newhall, who was chairman of the committee which reported the act, was present in 1895 at the Democratic caucus in Ward 12, the proceedings of which the year before have already been described; and he told the writer that he observed a most decided improvement. The act appears to have had beneficial results in other parts of the city. That the working of the nominating machinery is still unsatisfactory, however, is proved by the renewed complaint which has arisen during the past year, in regard to the condition of the caucuses in Boston, particularly those of the Democratic party. Another special recess com-

[50] It is an interesting fact that a man who "bolts" the caucus and runs as an independent candidate, in case he is successful at the polls, is usually recognized by the machine, and the next year given the regular "slate" nomination. Henceforth, he too is likely to be a "machine" man and to look with disfavor upon "bolters."

[51] This act will be described in chapter viii., and the act itself, as amended in 1895, will be found in Appendix G.

mittee was appointed by the last legislature to investigate the matter, and recommend such legislation as may seem expedient. The report of this committee will be read with interest by the friends of caucus reform.

14. **"Snap" Caucuses and Primaries.** Besides the system of nomination by self-perpetuating clubs and committees, intimidation, and fraudulent practices, there is another favorite device of the professional politician, known as "snap conventions," or "snap caucuses." [52] This practice consists in the issue of a call by a State or district committee for a convention, and for caucuses or primaries to choose delegates to that convention, upon too short notice to the party voters, usually accompanied by a failure to advertise sufficiently the time and place of the primaries. The result is that few but the friends of the "machine" attend the primaries, and the latter, consequently, have everything their own way.

This trick is as old as the nominating convention itself. The following correspondence took place in 1835, between the son-in-law of Governor Wolf, the "regular" Democratic candidate for Governor of Pennsylvania, and a supposed adherent:

DEAR SIR, — It has just been ascertained that the Muhlenberg men have had second sets of delegates elected to the 4th of March convention from Bucks, Lycoming &c. Their object is to leave the decision on the admission of the minority delegates to Adams, Montgomery, Chester, Lebanon, Dauphin &c., and thus let them all in and cheat governor Wolf out of the nomination. The only course left, therefore, for the Democrats is to take up their own weapons, dirty as they are, and break their heads with their own club. All the disputed counties are to stand aside and leave the undisputed counties to settle the question. Now the real interests of the party require that you should at once get up a *second set* of delegates from Adams and thus destroy the vote of the delegates on the admission question, — and you are accordingly requested *at once* to convene a meeting of a few of our friends (half a dozen will do), appoint a chairman and secretary and then offer a resolution appointing any *three* men you have confidence in, as delegates

[52] The two being really parts of the same device, for convenience they will be considered together, although the convention is beyond the scope of the present chapter.

to the democratic convention to meet on the 4th to represent Adams county, and send them over. It is taken for granted that you will have but little trouble in making this arrangement. . . .

H. BUEHLER.

It seems, however, that the writer of the above epistle, in this case, hit upon the wrong man. Mr. Fuller replied:

I cannot comply with your request for two reasons: First, I cannot, upon reflection, think of six men in the town and county that would act in this matter; and secondly, I think it politically and morally dishonest.[58]

A modern instance of the same practice was the call issued by the Republican committee of Albany County, New York, in 1880, in behalf of Mr. Conkling's candidate for the presidential nomination, — General Grant. They feared that their "slated" delegates might fail of an election, and therefore issued a call on Friday for primaries to be held for the election of delegates to conventions which were to meet on Saturday. The "slated" delegates were, of course, elected. The whole thing was a deliberate conspiracy, extending throughout the county, to thwart the wishes of the Republican voters.

"In Bethlehem," says Mr. George Walton Greene, "the notice was posted in the evening for an election to be held on the following day. As it takes time to get the farmers together, a week's notice had been customary. In New Scotland, the call was posted on Thursday, for a meeting on Saturday, to elect delegates to Monday's convention. Afterward, as it appeared, the two days' time seemed a dangerous concession, and so the machine leaders sent about one O'Brien to pull down the notices and post others for an election on Friday instead; and the same trick was played at Berne, Coegmans, and Guilderland. . . . In Knox five henchmen awaited the coming of the mail, on receipt of which, with instructions, they immediately posted notices, under which they at once resolved themselves into a caucus, electing three out of the five delegates to Albany. At Westerloo no meet-

[58] *Niles's Register*, XLVIII. 114.

ing was held, nor any notices given, yet at the convention two delegates, claiming to represent that place, were promptly on hand."[54]

A more recent and notorious case of the "snap caucus" was preparatory to the Hill "snap" convention, held in New York State on February 22, 1892. The object was to send to the Democratic national convention a solid Hill delegation, in spite of the fact that a large majority of the Democratic voters of the State were undoubtedly in favor of Mr. Cleveland.

The first step of the Hill men was to secure absolute control of the State committee. Previous to the assembling of the State Convention of 1891, it was known that at least nine out of the thirty-four members of the State committee were opposed to Senator Hill as a candidate for the Presidency. For the sake of harmony it was necessary to get rid of this discordant element. Accordingly, contesting delegations of Hill men appeared at Saratoga from the nine congressional districts represented by anti-Hill members on the State committee. Although there was not the slightest doubt that the anti-Hill delegates had been fairly elected, they were nevertheless unseated without the slightest investigation. By this means a State committee was obtained unanimously in favor of the presidential aspirations of Senator Hill.[55]

On January 21st, 1892, the Democratic National Committee issued its call for a national convention to be held at Chicago on June 21st. On January 26th, the new Democratic State Committee of New York called a State convention to be held at Albany on February 22d, for the purpose of electing delegates to the national convention. Such an early date was entirely unprecedented, the earliest date previous to 1892 having been April 21st. Every newspaper but one in New York city protested. Even the *World*, a paper which had always been friendly to Senator Hill, said:

> The early call is undoubtedly unfair to the large number of Democrats who are opposed to the candidacy of Senator Hill. It puts

[54] *North American Review*, CXXXVII. 259–60.

[55] *Statement presented by the Delegation from the Democratic Convention of the State of New York held at Syracuse*, May 31, 1892, p. 4.

them at a fatal disadvantage to be called upon at such short notice, without organization or leadership, to meet the unexpected attack of a powerful machine under the personal direction of a consummate politician.[56]

Following the call for the "snap convention," "snap primaries" were held by the machine throughout the State. As the pamphlet of the "Anti-snappers" expresses it, "the convention having been sprung upon the party, the scheme was completed by springing the caucuses also."[57] Notices were posted on one night for a primary on the following night. In many cases no notice whatever was given of the time and place of meeting. As a result of this violation of the rights of the rank and file of the party, from most of the towns and city wards solid "Hill" delegations appeared at the various district conventions. In those cases where the Democratic voters, in spite of such tactics, were able to hold well-attended caucuses, their delegates were refused admission. Of these high-handed proceedings, the following are examples.

On the afternoon of January 26th, the very same day that the State committee issued its call for the "snap convention," a call was published in the Hornellsville *Tribune*, for a primary of the Democratic voters of that city to be held on the evening of the following day, to elect delegates to the district convention, although the latter had not as yet been called. In other words, only thirty hours' notice was given of the time and place of holding the primary.

In Lewis County, primaries were called on a notice of from one to two days, and in many towns well known Democrats were entirely ignorant that the primaries were to be held until after it was publicly announced that they had taken place and that delegates had been chosen. In Columbia County, the notices required to be given by law were stuck up on the outside of barn-doors, and the doors then thrown open against the wall so as to hide the notices. In Cattaraugus, and in many other counties, notices for primaries to be held at a cer-

[56] *New York World*, Feb. 7, 1892.

[57] *Statement of the Delegation from the Syracuse Convention at Chicago*, 33.

tain time and place were posted and then altered, and the primaries were held at a different time and place from that stated in these notices.[58]

In short, in every part of the State where opposition to the machine was feared, every conceivable method was resorted to to prevent that opposition from being heard at the primaries. The result of the whole scheme, so carefully planned, and so effectively carried out, was that Senator Hill obtained his solid delegation. But fortunately this success brought no real advantage. Such effective work was done by the opponents of the machine, that Mr. Hill's chances of securing the presidential nomination, if he ever had any, were utterly destroyed.[59]

The evil here is perfectly distinct. It is the violation of the rules and precedents of the party. The remedy is more difficult; but it would undoubtedly be a reform to require, by law, every party committee to publish a full and exact notice of the time and place of the meeting of the caucus or primary a certain specified number of days before the meeting is to take place.

15. **"Packed" Caucuses and Primaries.** There is one other evil that is frequently complained of; namely, the process known as "packing" caucuses or primaries in the interest of certain candidates. For instance, the congressman representing a certain district is a candidate for renomination. His record at Washington has been satisfactory to the voters of his party, and it is the evident desire of a large majority of them that he should be reëlected. As there is apparently no opposition to his renomination, many voters do not attend the primaries, and the result is that some other man, who has been secretly at work among his friends, "packs" the primaries with his followers, and secures a majority of the dele-

[58] *Statement of the Delegation from the Syracuse Convention at Chicago*, 34, 35.

[59] The opponents of Mr. Hill, the "Anti-Snappers" as they were called, held an independent State Convention and elected delegates to the National Convention favorable to Mr. Cleveland. Though these delegates were not admitted to the Convention, their influence with that body was known to be far greater than that of the "regular" delegation.

gates to the district convention. Thus the party has foisted upon it a candidate whom it does not want, and whom the great majority of the party voters, perhaps, have never heard of.

It is obvious that such a thing could never happen if the party voters always attended the primary meetings, as they certainly ought to do. But even where the voters do not, as a rule, attend the primaries in large numbers, the evil complained of can be remedied, to a large extent, either by a party rule or by a statute requiring the names of all persons to be voted for at the caucus or primary to be handed in to the committee in charge, a certain number of days before the caucus is to be held. In this way sudden surprises, at least, can be prevented. This provision is already in force where the Australian system of voting has been adopted in the management of caucuses; but it is evident that this particular remedy for "packed" caucuses and primaries can be applied without necessarily adopting the other features of the secret ballot system.

Another device of the professional politician consists of "packing" a caucus or primary with a band of hired "heelers," as they are called, many or all of whom may not themselves be voters, at least in that particular district. These "heelers" fill up the room where the caucus or primary is to be held, and by their noisy demonstrations and insulting language, tend to drive away respectable voters of the other side. This evil, wherever it exists, can be easily remedied by suitable police regulations, similar to those in use at the regular elections.

CHAPTER VI.

ABUSES OF THE CONVENTION SYSTEM.

1. **The System in General.** The only objection to the convention system as a system, that seems to me to be worthy of attention, is that the individual voter cannot express his opinion in regard to the different candidates for the various offices for which nominations are to be made at the convention. To illustrate: John Smith goes to a caucus or primary, anxious to see Thomas Jones nominated as the party candidate for county treasurer, and, accordingly, he votes for delegates pledged to vote for Jones in the convention. But he cannot always assure himself that those delegates will also vote for his friend Brown for sheriff, or against an incompetent Robinson for probate judge. Thus the convention system only partially gives expression to the wishes of the individual voter.[1]

2. **The "Crawford County System" as a Substitute for Conventions.** To remedy the difficulty mentioned in the preceding section, there has been devised the system of primary election, to which reference has already been made.[2] To select candidates, an election is held throughout a county or district, the only difference between it and the regular legal election being the fact that it is confined to the voters of a single political party. The polls are open just as on election day, and the person receiving the highest number of votes in the entire county or district for any particular office is declared to be the party candidate for that office.

[1] Under our present system, this difficulty is partially met by a special vote of the caucus, instructing the delegates elected to vote for certain designated persons as candidates for the various offices.

[2] See *ante*, chapter ii. § 3.

For instance, the Republican county committee of a certain county decides that the party candidates for certain offices shall be nominated by the primary election method. Thereupon the different aspirants for any particular nomination canvass the county soliciting votes. On the day set by the county committee for the election, the polls are open in every election district of the county, and the party voters cast their ballots for those among the various aspirants whom they desire to see made the party candidates for the offices. The ballots are then counted by the election officers who are appointed in accordance with the party rules, and the man who has received a plurality of all the votes cast in the entire county for any particular office is declared to be the party candidate at the approaching regular election. It is evident that by this system — which is sometimes known as the "Crawford County System," from the Pennsylvania county in which it was first used — the nominating convention is entirely done away with, the party voters nominating their candidates directly.

This system of primary election is at present in vogue, to a greater or less extent, in a number of the States.[3] In most of these States, the party elections, as well as the caucuses and primaries, are more or less regulated by statute law; but in a few the matter is left entirely to the party rules.[4] In almost all of them the convention system still appears to be the general rule, the system of primary elections being in operation only occasionally, or in but a few of the counties.

The system just described has not yet been in operation to any appreciable extent in any district larger than a county,

[3] E. g. Pennsylvania, Maryland, South Carolina, Alabama, Mississippi, Arkansas, Tennessee, Kentucky, Ohio, Indiana, Missouri, and California. In Maryland, the system is in operation in only three of the twenty-four counties; in Tennessee, it is occasionally used in nominations for congressmen; while in Arkansas, it is the prevailing method of nomination except in the case of candidates to be voted for by the people of the entire State.

[4] Maryland, Tennessee, and Arkansas have no statutory provisions whatever upon the subject; while in Alabama, the provisions of the law apply only to primary elections held in the County of Mobile. In most of the States, the legal provisions take the form of special laws; but in Ohio and Indiana, the law simply provides that whenever a primary election is held, the same laws which govern regular elections shall apply.

and never, except in South Carolina, in any political division larger than a congressional district, although it obviously might be applied to an entire State. Aside from the trouble and expense, the chief objection to the plan is that it introduces another step into our already complicated system, as candidates to be voted for at the primary election will have to be nominated at "parlor caucuses" or elsewhere, and the real nomination will thus be transferred from open primaries to secret conclaves. But the same objection, in stronger form, lies against the present system of open primaries and conventions, the nominations in very many cases, as we have already seen, being really made at secret meetings previously held. At any rate, the new plan makes it easier to defeat combinations; moreover, in those counties in Pennsylvania, South Carolina, and other States where it has been tried, it has, as a rule, worked satisfactorily; and it is the only substitute proposed for our present convention system which has any promise of success.[5]

It will be observed that the Crawford County substitute for nominating conventions has the same general object as the system which, under the name of the "initiative and referendum," is at present attracting so much attention. Both the convention and our present system of representative government restrict the power of the individual voter. It is impossible to select a delegate or a representative with the assurance that he will represent the voter upon all the matters coming before the higher body. In both cases, however, this restriction is intentional; members both of conventions and legislatures, if properly chosen, ought to be better fitted to deal with the questions coming before them than the average voter. If, in either case, they are mere puppets of political bosses, the fault is not so much with the present system as with the people who fail to fulfil their duty at the primaries and at the

[5] In California, according to a writer in the *Nation*, the system appears to have led either to local jealousy among the towns composing the county, or else to the nomination of some objectionable candidate who has been able to combine the worst elements of the party, and thus obtain more votes than any of his more respectable competitors. Such a result is made possible, of course, by the fact of a plurality decision. *New York Nation*, XXXIV. 75.

polls. If the referendum in legislation should prove successful in the United States, and be generally adopted here, then the system of primary election may also gradually displace our present system of delegate conventions.[6]

3. **Corruption and Fraud in Conventions.** As a rule, violent and fraudulent practices are confined to the caucuses and primaries; but they occasionally occur in conventions.[7] When, for any reason, the machine has been unable to obtain the election of a sufficiently large number of its tools at the primaries to give it complete control of the convention, it turns its attention to the latter assemblage. The organization of the convention being necessarily, to a large degree, in the hands of the State or district committee, there is an excellent opportunity for fraudulent practices, if the committee is willing to lend itself to them.[8]

The state of things which has existed in Republican Philadelphia has already been referred to. Another example of fraud at conventions on a large scale was furnished by the Democratic district conventions held in New York State in 1891, for the choice of delegates to the State convention of that year.[9] Duly-elected delegates were unhesitatingly unseated, and their seats given to contesting delegations composed of faithful adherents of the machine. The convention in Oswego County is a typical case. Immediately after the convention was called to order, the friends of Senator Hill, finding themselves in a minority, left the hall (i. e., "bolted"), held a convention of their own, and elected three delegates to the State convention. In the mean time, the regular convention organized, and also elected three delegates. These regular delegates went to the State convention with their

[6] There is, of course, a distinction between voting for persons and voting for measures; but the arrangement of a party ticket is a process requiring skill and a faculty for adjustment not inferior to that required by legislation.

[7] A good example of violent disorder without fraud was the Kentucky Democratic State Convention held in June, 1895.

[8] See *ante*, chapter iii. § 3.

[9] The State committee chosen at this convention was the committee which in January, 1892, called the famous "snap" convention for the choice of delegates to the national convention already referred to. See *ante*, chapter v. § 14.

credentials duly certified by the officers of the district convention, and also by the district and county committees. The State committee, however, which was controlled by the friends of Mr. Hill, in making up the roll of delegates placed thereon the "bolters" as the regular delegates, and the regular delegates as contestants, and appointed one of the bolting delegates on the committee on contested seats, whose duty it was to pass upon the regular delegates' claim to seats in the convention.[10] By this unscrupulous action the Hill bolters secured the advantage of *prima facie* recognition, and held the seats against the protests of the rightful delegates. The only redress open to the anti-machine Democrats was to carry the matter, to the National Convention of 1892 in a published statement.

"The respectable Democratic voters," they said, "knew from recent experiences that it was useless for them to go to caucuses and primaries and district conventions and elect delegates who would simply be insulted by a committee on contested seats, if they dared to assert the slightest independence or the slightest opposition to the candidacy of Senator Hill. They knew that in every caucus and in every district convention in which they might elect delegates, no matter how great the majority, other men with sham credentials would appear before this February convention, would be placed upon its preliminary roll, and would be seated by the committee on contested seats. As a body, therefore, the Democrats of the state of New York deliberately stayed away from the caucuses and district conventions by which delegates were sent to the February convention."[11]

In addition to the fraudulent unseating of delegates, it occasionally happens that ballot stuffing, bribery of delegates, disorderly proceedings, and the various other forms of fraud and violence which are so common at caucuses and primaries, occur also in conventions. Here it is possible to apply the

[10] *Statement of the Syracuse Delegates at Chicago*, 1892, 7. An exactly similar case occurred at a senatorial convention held several years ago at Cambridge, Mass., at which the writer was present.

[11] *Statement of the Syracuse Delegates at Chicago*, 1892, 31, 32.

same remedy as in the case of the primaries, namely, the rigid enforcement of stringent penal statutes.

4. **"Snap Conventions."** This device of the professional politician has already been described in the preceding chapter, in connection with the more important evil of "snap caucuses," with which it is intimately connected. It consists in the State or district committee setting an unusually early date for the convention, necessitating the holding of the primaries on too short a notice, or at a time inconvenient to the great mass of the party voters. For example, the famous "Snap Convention" of 1893, in New York, was called in February, when it was difficult for the voters, particularly in the rural districts, to attend, instead of late in the spring, as had been the usual custom.

5. **The State "Boss" as a Master of Conventions.** Many good people are very much astonished that the men known as "bosses" are able to control, as they do, the State and district conventions in their respective States. But the explanation of the seeming mystery is easy. The State "boss" owes his position, not to the possession of those intellectual attainments which fit a man to be the natural leader of his party in the State, but to the fact that by means of a certain native capacity for shrewd and unscrupulous management, he has made himself the recognized chief of the professional politicians, — men who, either from the love of excitement, or, more commonly, for the sake of private gain, make politics their sole business.

The State boss, when his party is in power, is the dispenser of the national and State patronage, and it is the possession, or hope of possession, of the spoils of office that keeps together the machine of which the boss is the head. In every section of the State he has, as his faithful henchmen, the "bosses" of the various districts and wards, who, in turn, have their followers. These men, who either hold national or State office, or who are living in the hope of obtaining such as the reward for successful work in the machine's interest, quietly get themselves elected members of the various town and district committees. This is a comparatively easy step at the present

time, on account of the unwillingness of respectable men to accept such positions, partly because of the work involved, but more often for the reason that acceptance is apt to brand a man as a "politician." [12]

In "off years," when there are no very important officers to be elected, and when, consequently, there is little interest manifested by the voters, the professional politicians and their friends are often able to control the primaries without resorting to questionable methods, and they avail themselves of the opportunity to strengthen their hold on the party organization. When, however, political excitement runs high, and they find themselves outnumbered at the primaries, they resort to the evil practices which have been described in this and the preceding chapter. Thus, no matter how much popular outcry there may be against the autocratic rule of "Boss Platt" or "Boss Quay," when the State convention assembles it is almost certain to be found that these gentlemen are able, in spite of public opinion, to dictate the action of the meeting. Such is the natural result of the spoils system, aided by lax laws and an inexcusable neglect of the duties of citizenship.

6. **The Two-Thirds Rule in National Conventions.** In our national conventions, as they are at present conducted, there are to be found three evils, due not to any defect in the convention system, but to certain rules adopted by the conventions themselves. Two of these evils are peculiar to Democratic national conventions; the third exists in the conventions of both parties, but is most strikingly illustrated in the Republican camp.

The first of these evils arises from the rule requiring two-thirds of the whole number of votes in the convention for the nomination of any candidate, which has existed in Democratic conventions from the very beginning. It is apparent that with such a requirement the nomination of the man whom a large majority of the party desire may be prevented, and some

[12] The present popular conception of the meaning of the word "politician" is exceedingly unfortunate; the reason for it is of course the fact that the men who have been actively interested in politics have been largely of the type described above.

obscure "dark horse" chosen as the party standard bearer.[13] This has actually occurred in the case of the nomination of Polk in 1844, for a majority of the Democratic voters and of the delegates were in favor of the nomination of Van Buren; and in the Convention of 1892 it seemed not impossible that the nomination of Mr. Cleveland would be prevented, although desired by an overwhelming majority of the rank and file of the Democratic party.

7. **The Unit Rule.** Another unfortunate practice in national conventions is the so-called "unit rule," by which a majority of each State delegation is allowed to cast the entire vote to which the State is entitled, thus denying representation in the convention to the minority in any particular State, and making possible a nomination approved by a minority of the party voters of the country. This undemocratic custom, the history of which has been given in chapter I., was abandoned by the Republicans in 1880; but it still prevails in a modified form in the national councils of the Democratic party.

8. **Delegates from States controlled by the Other Party.** The third defect in our national conventions, as at present conducted, which is common to the two great parties, is found in the apportionment of delegates. The party voters in each State are entitled to twice as many delegates in the convention as their State has electoral votes. It is obvious that this method of apportionment entirely ignores the relative strength of the party in the different States. For example, in the Democratic Convention of 1892 the overwhelmingly Republican State of Vermont cast as many votes as the strongly Democratic State of Florida.[14] In Republican conventions the irregularities of the present system of apportionment are especially noticeable. In the South the Republican party is so weak that in some States there is no party organization. Nevertheless, under the present system, every one of

[13] The absence of such a rule has not prevented the nomination of "dark horses" in Republican conventions; but the existence of such a rule makes such nominations more probable, and it has certainly been more than once the means of defeating the wishes of a majority of the party.

[14] In 1888, Vermont had cast 16,788 votes for the Democratic presidential candidate, and Florida 39,561. (*World Almanac* for 1892, 224.)

the Southern States sends twice as many delegates to the national convention as those States have votes in their electoral colleges. For example, at the Convention of 1892 South Carolina cast the same number of votes, and therefore had as much weight in selecting the party candidates, as Kansas, although at the preceding presidential election the Republican candidate received only 13,736 votes in the former State as against 182,904 in the latter.

When a Republican President in office is a candidate for renomination, this evil is aggravated by the fact that the delegations from these Southern "pocket boroughs" are made up almost wholly of the Federal office-holders in those States, who have a personal interest in securing the renomination of the man to whom they owe their positions.[15] It is interesting, in connection with this subject, to note that neither the "pocket borough" nor the "office-holding" evil is new in national conventions. Senator Benton, in 1848, after speaking of the overthrow of the congressional caucus as a method of nominating candidates for the Presidency, said:

> In place of it, conventions of delegates fresh from the people, knowing their will and doing it, were substituted and the substitute worked well while its letter and spirit were observed, but degeneration ensued. Instead of delegates fresh from the people knowing their will and doing it, the conventions became gorged with office-holders and office-seekers, generally appointed by intrigue and fraud, and wholly intent upon doing their own will for their own benefit; and also largely composed of delegates from states which can give no vote for the person nominated, and of course control the election so far as the party was concerned.[16]

In the present condition of the Republican party at the South, in Presidential years a few politicians, either Federal office-holders or office-seekers, call a State convention, and get themselves chosen as delegates to the national convention.

[15] The activity of office-holders in party conventions is not confined to national conventions. In Massachusetts the Republican county conventions, in many cases, have been controlled by office-holders and their friends.

[16] Benton, *Abridgement of the Debates of Congress*, VII. 518, note.

This is rendered easy by the disorganized state of the party, and the lack of interest in political affairs due to the suppression of the colored vote at elections. The votes of the delegations from many of these "rotten boroughs" are, in many cases, practically offered for sale to the highest bidder, the promise of government patronage being the consideration demanded in payment. It is rumored that sometimes the hotel bills of delegates have been paid, and even more direct money inducements offered to those having no constituency at home to criticise their conduct.

That this defect is most strikingly apparent in Republican conventions is simply due to the peculiar situation of that party in the South. The evil, however, can be easily remedied by apportioning the number of delegates, to some extent at least, with reference to the vote cast in the different States for the party candidates at the preceding Presidential election. This method is already in vogue in both parties in the choice of delegates to State conventions, and is manifestly the only fair and equitable system of apportionment.[17]

[17] So far as the Republican party is concerned, the evil bids fair to be remedied before the meeting of the next national convention. At a meeting of the Republican National Committee held at Washington on June 27, 1892, Hon. N. B. Scott, the member of the committee from West Virginia, offered the following resolution:

"*Resolved*, That the call for the next national Republican convention be upon the following basis. Two delegates from each State as delegates at large; one delegate from each Congressional district in the United States, and an additional delegate for each 7,000 Republican votes cast in any congressional district at the Presidential election of 1892, and a delegate for the fraction of 7,000 votes greater than one half, and two delegates from each territory and the District of Columbia."

This, as has already been shown, is the principle of apportionment already in use in the choice of delegates to State conventions. If it is adopted, all of the Northern States will gain in the number of delegates to which they will be entitled, — the largest gain being in the case of New York, — viz.: 54. On the other hand, the Southern States will lose, the greatest loss being in the case of Georgia, which State will have thirteen less delegates than at present.

There is some doubt whether under the rules the national committee has authority to make this radical change. Accordingly a circular letter has been sent to leading members of the party in all parts of the country, in order that the committee may ascertain the general sentiment of the party before taking definite action.

Since the above was written, the Republican Convention of 1896 has met and adjourned without taking any action whatever in regard to this important matter.

The three evils which have just been described appear, on the whole, to be confined to national conventions. The "two-thirds" rule seems to be obsolete in Democratic State conventions, except those of Tennessee and Texas. The "unit rule" is found in Democratic conventions in New York State, and is occasionally met with elsewhere, but its use is rare. In regard to the apportionment of delegates, the vote for the party ticket is, in most States, taken at least as a partial basis in the assignment of delegates. The reason for the absence of these evils in State conventions is probably to be found in the fact that the latter are nearer to the people, and less influenced by tradition and precedent than are the national party councils.

Part IV.

REMEDIES FOR EXISTING EVILS.

CHAPTER VII.

GENERAL REMEDIES.

1. **Need of Reform.** The preceding chapters have shown that serious evils exist in the nomination of candidates for elective office. The community is aware of them, and writers have in the past frequently called attention to particular phases of the present unsatisfactory state of affairs. In describing particular evils, the writer in many instances has pointed out certain obvious remedies that have naturally suggested themselves. In the present chapter, we shall consider some of the more important reforms which have been proposed by writers on political subjects during the last few years. These suggestions, in most cases brought forward by persons outside of the political arena, naturally divide themselves into four groups: (1) Reforms merely making a change in party machinery; (2) Those involving government interference, including in most cases the adoption of an entirely new system of nomination; (3) Those looking to a modification in our election machinery; and (4) Remedies necessitating changes either in the conduct of the government or in the attitude of the voters.

2. **The Election or Appointment of a Permanent Board of Delegates.** An ingenious plan in the line of a radical change in party machinery has been proposed by Mr. Sulzberger,[1] of which the main feature is the election by the party voters in each small district, of ten delegates for terms of one, two, or three years. These delegates, who are to constitute a permanent local committee, are to be sworn, their meetings are to be public, and penalties are to be imposed on them for fraud or

[1] See *Penn Monthly*, XII. 186. 187.

corruption. In the hands of these local committees is to be vested the sole power of making all nominations. "Under this system," says Mr. Sulzberger, "one tenth of the entire voting population would be continually engaged in supervisory unsalaried public duty." In other words, he would have, as he expresses it, a "civil militia" with the same fine for neglect of duty as is imposed in case of jury duty. The author of this novel scheme realizes the difficulty of getting the machinery started. He suggests a choice of two ways of accomplishing this: (1) a tremendous effort on the part of respectable voters in each district in the election of the first delegates; or (2) the appointment of the first boards of delegates of each party by the courts. Since the first method might result in serious disturbances, he recommends the second as the most feasible.

Upon its face this scheme is a legalization of the close committee system, the working of which, in the case of the Tammany organization in New York city, is only too well known to the citizens of that municipality. Plainly, in those districts where our present system fails to work satisfactorily, such a scheme as the one just described would fail in the accomplishment of its purpose. Even if it were started satisfactorily, with the present indifference on the part of the great mass of the "respectable" voters, it would, in the long run, simply result in greatly increasing the power of the machine politicians.

3. **Regulation of Nominations by Party Rules.** A great deal in the way of remedying the evils of our present caucus system can be accomplished by the adoption and enforcement by the party voters themselves, or by committees elected by them, of a few simple and impartial rules for the government of nominations. Such rules should provide for due notice of the time and place of holding the caucuses and conventions, for orderly procedure, and especially for a fair vote and an honest count. There should also be some provision for preventing members of other parties from participating in the caucuses and primary meetings. In most cases such party rules have preceded statutory regulation, and not infrequently, as in the case of Massachusetts,[2] many of the main features of such rules have been

[2] See *post*, chapter ix. §§ 16, 17, and Appendix G.

incorporated into subsequent statutes. In those States where nominations are regulated by statute law, it is usually provided that each party may make any rules not inconsistent with the provisions of the law. The nature of these party rules will be considered in detail in the next chapter. It is to be observed, however, that the first step towards the adoption of such rules is the election of upright men to the party committee which has the power to make them; while the hope of deriving any lasting benefit from them, when finally obtained, depends, as experience has shown, upon the constant vigilance of the party voters.

4. **The Subdivision of Caucus Districts.** Another very simple remedy within the reach of the party organization is a diminution in the size of the caucus or primary election districts. This remedy for the evils incident to over-crowding has been almost everywhere adopted in the case of the regular elections; but in many cases it has not as yet been applied to the party primaries.[3] It is perfectly plain, however, that the political action of the people in their caucuses and primary meetings should be restricted to districts so small that all the party voters of a district can easily meet together. This reform has been suggested by Mr. Whitridge[4] and by other writers.[5] Its wisdom and practicability are beyond all question. If carried out, it would undoubtedly do away with the densely packed ward-rooms and those disgraceful outbreaks of violence which have occurred in Boston[6] and elsewhere, and also tend to restore to the city primary its old town-meeting character.

5. **Regulation of Nominations by Law.** The interference of the State in the organization and conduct of caucuses and conventions has recently begun to be recognized as a more or less effective remedy for existing evils. The people are beginning

[3] In Boston, for instance, while the different wards have been divided into numerous voting precincts for election purposes, the party caucuses for an entire ward continue to be held in a single room, much to the inconvenience and discomfort of the voters.

[4] *Caucus System*, 24.

[5] See Article on the "Trouble with the Caucus," *New Englander*, XXXIV. 483.

[6] See *ante*, chapter v. § 13.

to see that political parties should be recognized as quasi-public organizations, and that the State should regulate, as far as practicable, the manner in which these organizations perform their all important work.

This remedy of legal control of our nominating machinery has been suggested by many writers,[7] and most of the States have passed laws upon the subject. The nature of these laws, together with a consideration of the advantages and limitations of this important remedy, will be discussed at length in chapter ix.

6. **"Nomination Papers" as a Substitute for the Caucus.** Previous to the adoption of the Australian ballot system in this country, the English device of nomination papers was occasionally suggested as a substitute for the caucus system. In 1868, for instance, after the defeat of the Republican party in Philadelphia on account of unfit nominations, a scheme was proposed by the Union League Club of that city, by which any single citizen should be allowed to nominate candidates to be voted for at the primaries.[8] This plan, which was a very crude form of the principle of nomination papers, was not carried out.

Since 1888, however, most of the States have adopted the Australian official ballot, with provisions for nomination by nomination papers.[9] It has been the universal experience, however, that the candidates nominated by papers are rarely successful against the regular party nominees.[10] The result is that the English method is at present resorted to chiefly by the minor parties (Prohibition, People's, Socialist-Labor, etc.), which do not cast a sufficient number of votes to entitle them under the law to have the names of their caucus and convention

[7] For example, see the article on "The Regeneration of the Primary," *N. Y. Nation*, XXXIII. 486; also an article by Edward F. Hoffman, in the *Penn Monthly*, XII. 608.

[8] *N. Y. Nation*, VII. 4, 5.

[9] In adapting the system to American conditions, caucus and convention nominations had, of course, to be recognized.

[10] For example, see *N. Y. Nation*, XXXIII. 486; also article by Edward F. Hoffman, entitled "Primary Elections: Reform in the Delegate System of Nominations," in *Penn Monthly*, XII. 602. On the other hand, in Boston, "independent" candidates for the legislature and the common council not infrequently are successful at the polls.

nominees placed upon the official ballot. The details of this phase of government interference will be discussed in a later chapter.

7. **The Substitution of Primary Elections for the System of Delegate Conventions.** Another remedy, looking to the abandonment of the present convention system, has been advocated by many recent writers. In 1881, a committee of the Young Men's Democratic Club of New York made a report in which, in addition to other suggestions, they earnestly recommended that at every primary meeting votes should be cast directly for candidates for the nomination, and not for delegates to a nominating convention. In support of this recommendation, they cited the fact that such a scheme had worked satisfactorily for ten years in Richmond, Virginia, and that in 1876, in that city, 6,200 out of the 7,500 registered Democratic voters actually voted at the party primaries.[11] During the same year, an article appeared in the *Penn Monthly*, by Mr. E. F. Hoffman, advocating very strenuously the abolition of delegate conventions except in the case of the higher offices.[12] Since 1881, the substitution of primary election for our convention system has been repeatedly urged. The system and the extent to which it is in operation, has already been described in the preceding chapter. As already stated, it is doubtful whether it can be successfully applied to districts larger than the average county or congressional district, although it is certainly deserving of the most careful consideration. Where it has been tried, it has, as a rule, worked well,[13] but in the large cities where reform is most needed, it has never been adopted. Unless accompanied with other reforms, it is doubtful whether it would bring about any appreciable improvement in the character of our nominations.

[11] *N. Y. Nation*, XXXIII. 486.

[12] *Penn Monthly*, XII. 602.

[13] An objection to the primary election system, already mentioned in our discussion, is the fact that under it a small minority of the party voters may choose the candidate, which tends to demoralize the coherence of the party. See Remsen, *Primary Elections*, chapter xii. It has been suggested, however, that this defect could be easily remedied by adopting the French method of second elections.

8. **Complete Legalization of Nominating Machinery.** Another reform which is occasionally suggested [14] involves the preceding remedy, but carries the system of primary election one step further. According to this scheme a preliminary election, governed entirely by State laws, is to be held before the regular election, and to be participated in by all the legal voters. The members of each party are to vote for persons to be the candidates of their party at the regular election. The person in each party having the highest number of votes for each office at this preliminary election, is then to be declared that party's candidate. In addition to the general objection to the whole system of primary election, namely, that there will be secret caucuses held to nominate candidates for the primary election, thus simply introducing a needless complication, it is evident that this scheme is entirely impracticable. Under it the members of one party, whenever there was no contest for the nomination in their own ranks, would be sure to vote in such a way as to cause the nomination of the weakest possible candidate by the opposite party. The only way of meeting this difficulty would be to require by law a rigid enrolment of the voters of the different parties, and to prevent from voting all who are not avowed members of some recognized party, — a procedure which would result in the complete disfranchisement, so far as the nomination is concerned, of the independent voters.

There is a further objection, however, to the complete control of nominating machinery by public officers in that it destroys the self-government of political parties. A political party is a voluntary association of individuals; and, just as any other association, it should have the right, within certain reasonable limits, of managing its own affairs. It is right that the State should enact laws to insure the honest and orderly conduct of all caucuses and primaries, but care should be taken to leave as much control as possible in the hands of the party members. In other words, the object aimed at should be to allow each

[14] *N. Y. Nation*, VIII. 86 (Union League Club of Philadelphia: prize essay, 1868); also *The Elective Franchise in the United States*, by D. C. McMillan (N. Y. 1880). The scheme was also advanced at the hearings before the Special Committee of the Massachusetts Legislature on caucus reform in 1893.

political party to elect its officers, to nominate its candidates, and in general to manage its affairs, so far as experience has shown such management to be consistent with the best interests of the community. If a party desires to hold a primary election in any district, let it do so subject to certain specific regulations which the interests of the community require. If it prefers to nominate its candidates by holding caucuses for the choice of delegates to a convention, let it do so subject to similar regulations. This, instead of the arbitrary methods so often suggested, appears to be the common-sense method of dealing with a difficult problem.

9. **Minority Nominations.** In 1875 Mr. Henry T. Terry, formerly of Hartford, Connecticut, brought forward a plan by which any ten voters were to be allowed to nominate such candidates as they chose, by registering their names at least two weeks before the election with some proper officer.[15] Coupled with this proposition, very similar in its main features to the system of nomination papers, was an elaborate scheme for proportional representation in the choice of public officers. The object of the plan, as stated by Mr. Terry, was to make it possible for any citizen to take an effective part in the nomination of candidates "without any larger expenditure of time and labor or any greater knowledge of politics than may reasonably be expected from the average busy man."[16]

Mr. Terry's object is a most worthy one; but, even coupled with the most elaborate scheme of proportional representation, it would be manifestly impossible for any independent nominees, however respectable, to be elected, unless there was some preconcerted arrangement among the supporters of that candidate. Mr. Terry, in common with many other writers, overlooks the fact that with such an enormous number of voters, a more or less elaborate organizing machinery is essential to success at the polls.

10. **Proportional Representation.** Another phase of the same remedy is the application of proportional representation to the

[15] "A Substitute for the Caucus," by Henry T. Terry, in *New Englander*, XXXIV. 739.

[16] *Ibid.*, 743.

regular elections, the object being to insure the representation of the voters in the various legislative bodies in proportion to the vote cast in the State or district. If this proposed change in our election machinery should result, as many of its advocates as well as its opponents contend, in the destruction of all permanent party organization, the consequent political anarchy would almost certainly be far worse than the evils which we seek to remedy. If, on the other hand, the system were simply adopted as a means of determining in a more equitable manner the representation of the two leading political parties in the various legislative bodies, it would probably not affect nominations one way or the other.

In regard to the application of the principle of proportional representation to the party primaries and conventions, the same arguments apply as in the case of our present election machinery. When it is possible that a majority of one vote at a largely attended primary may decide that at the county convention the whole twenty votes to which that primary district is entitled, shall be cast for John Smith for a certain nomination, instead of for Thomas Robinson, it can hardly be denied that there is something to be said in favor of some change in our present methods.[17] The question, however, belongs rather to the subject of election machinery, than to that of nominations. If minority or proportional representation should ever be adopted at elections, a corresponding change will undoubtedly be made in our nominating machinery, but probably not before.

11. **A Diminution in the Number of Elective Offices.** Coming now to remedies involving a change in governmental administration, one simple and obvious reform would be to diminish the number of elective officers. By diminishing the number of officers to be elected by the people, you so far forth simplify our elections, and hence our nominating machinery. This remedy, which has been suggested by Mr. Albert Stickney,[18]

[17] It is to be observed that this evil is entirely done away with by the system of primary election already referred to. On the general subject of proportional representation as applied to primaries, see Remsen, *Primary Elections*, chapter xvi., and Appendices D, E, and F.

[18] *A True Republic* (N. Y. 1879), 164.

Mr. F. W. Whitridge,[19] and some others, is plainly a step in the reform, not only of our nominations, but of our whole scheme of government.

12. **Civil Service Reform.** The intimate connection between unfit nominations, and the custom of bestowing public office as a reward for party service, was long ago recognized. In March, 1837, only eight years after the inauguration of the spoils system by President Jackson, we find that "Democratic town meetings" were held in the city and county of Philadelphia to choose delegates to a convention, "for the purpose of conferring and uniting in the recommendation of suitable persons to the executive for collector of the port of Philadelphia and other offices." At this convention a series of resolutions was adopted, from which we learn that "secret cabals and caucuses of select and presumptuous demagogues" had been held for the purpose of "pressing upon the executive a continuance in office of the old incumbents or the appointment of individuals not acceptable to the people." The rank and file of the Democratic party being aroused upon the matter, calls were made for primary meetings of the party, "whereupon these adroit and wary experimentalists convoked a small portion of an old committee of superintendence, without public notice, and with private notice to none except to those in office, or the immediate connections and relations of those in office, and those who are the most eager for place," at which the calling of the first caucuses was severely denounced. The resolutions then go on to state that this band of office-holders and office-seekers "have held the operations of the party for many years past under their entire management. . . . Tickets have been got up and candidates nominated and forced upon the people, revolting to every consideration of propriety, policy and political honor." Thoroughly appreciating that the government patronage was the chief strength of the "machine," the convention then proceeded to recommend to President Van Buren a list of clean and capable men for all the Federal officers of the city and county.[20] From that time to the present the cause of good government in the United States has had to contend with a class of men to

[19] *The Caucus System*, 24.

[20] *Niles's Register*, LII. 41, 42.

whom the management of nominating machinery is a means of livelihood.[21]

Many recent writers have suggested a reform in the civil service as a most potent remedy for unfit nominations.[22] After a careful survey of the entire field, one of these writers concludes that the present extremely unsatisfactory condition of affairs is due, not to our system of nominations as a system, but to the way in which the system is allowed to be used; the root of the whole evil, in his opinion, is to be found in the existence of a class of professional politicians who go into politics because of the chances it offers for earning a livelihood by employment in the government service. He calculates that the national, State, and local patronage in the United States represents an annual income of $210,000,000, which sum constitutes the inducement held out to these persons to enter politics as a profession.[23] Until that incentive is removed by the universal application of the merit system in government appointments, it will continue to be exceedingly difficult to insure good nominations. In order, however, to complete the destruction of the class of professional politicians, the adoption of civil service reform must be accompanied by the enactment and enforcement in every State of a stringent Corrupt Practices Act. Otherwise, the henchmen will demand and obtain from the candidate money instead of office.

13. **The Divorce of National and State Politics from Municipal Affairs.** Another important step in the way of reform is the separation of national and State politics from local affairs. City and town officers should be elected solely for their fitness and capacity for managing the affairs of the city or town. In the choice of a president and directors of a bank, or of a railroad corporation, no one thinks of asking whether a candidate for such a position is a Republican or a Democrat. Why then should such a question be asked in the choice of the mayor or

[21] This evil, at its worst, is to be found in Baltimore; an account of the condition of things in that city has already been given.

[22] F. W. Whitridge, *Caucus System*, 21; Edward F. Hoffman, *Penn Monthly* XII. 602; R. H. Dana, in *Forum*, II. 491.

[23] R. H. Dana, in *Forum*, II. 493.

the aldermen of a city? A city or a town is nothing more nor less than a corporation; it is organized for business purposes; and it ought to be conducted on business principles. To elect a man to be an officer in such a corporation, because he is a free trader, is just as absurd as it would be to elect him because he is a Baptist, or because he happens to have red hair. The absurdity of the custom at present so general in the United States, of conducting municipal elections on party lines, has been emphatically pointed out by that friendly critic of American institutions, Mr. James Bryce,[24] and it is coming to be realized more and more by our intelligent citizens. The formation of Citizens' Associations in Philadelphia, Albany, Cambridge, Boston, and other cities, the object of which is to secure good nominations for municipal office, regardless of partisan considerations, is a most hopeful sign for the future of good government in our large cities.

14. **Greater Interest in Public Affairs on the Part of the Voters.** The only remedy which goes to the root of the whole matter is the reform of the voter. No system of nominations can be made to work satisfactorily as long as large numbers continue to neglect their duties as citizens. The following criticism, by Mr. Joseph Chamberlain, is a very accurate and impartial statement of the chief cause of bad nominations in the United States:

> While they [the Americans] concede that many men of education refuse their share of public duty and hold aloof from its cares and responsibilities, they attribute this abstention not to the action of the caucus, but partly to the absorbing interest in material prosperity and to the passion for physical well-being which have always characterized the American people. . . . If such a state of things [i. e. the machine nominations in American cities] is no exaggerated picture of American local life, the shame and disgrace of it rest not upon representative institutions nor upon democratic principles, but upon those educated and intelligent persons who must in this case plead guilty to lamentable want of patriotism and flagrant neglect of public duty.[25]

[24] *American Commonwealth* (2d ed.), I. 610.

[25] *The Caucus* by Rt. Hon. Joseph Chamberlain, *Fortnightly Review*, XXX. 723, 729.

American writers and speakers express similar views. An interesting example of this is the speech of Hon. Adin Thayer, of Worcester, in October, 1881, before the Massachusetts Club:

"The real danger at the caucus," says Judge Thayer, "is not from the minority of scoundrels who attend but from the majority of inert though well intentioned men who stay away and thus practically notify the rascals that they will meet with no effective opposition. . . . When the consciences and scholarship and true culture of the nation make their influence felt in the primary meetings, the rule of the machine, as well as the influence of demagogues and bummers will depart; honest men only will be elected to office; a corrupt civil service will therefore be impossible, and greed for office on the part of those who are dishonest or incompetent will be simply ridiculous and therefore harmless. . . . This is the only remedy — the only panacea. All other expedients are temporary and illusive. The people must rule intelligently and to rule intelligently requires the same earnestness in and the same devotion to political affairs that prudent and sagacious men give to the business concerns of life." [26]

15. **The Need of Education.** But how are the voters to be brought to give greater attention to public affairs? Only by hard and persistent agitation. In this educational and missionary work, there are four forces which can be of inestimable service: the press, the pulpit, the trade-union and kindred organizations, and the schools. The first three reach, each in its own way, those who are voters to-day; the last embraces within its influence the voters who are to be, and is perhaps the most important of the four. The children of the country are still open to instruction, and they should be thoroughly drilled in the duties and responsibilities of citizenship. To this end, in the study of civil government, which, fortunately, is becoming common in the higher grades of the grammar as well as in the high schools, it should be carefully pointed out to those who are soon to enter upon the duties of citizenship, that nominating machinery is a necessary part of republican government; and that honest caucuses and primaries are just as essential to good government as honest elections. The children should be taught that intelligent voting, both in the preliminary as well as in the final elections, is a duty which no upright man can shirk. If

[26] *Boston Sunday Herald*, Oct. 9, 1881.

this lesson be thoroughly taught and learned, there is ground for a hope that the next generation will exhibit a strong and healthy interest in public affairs, and thus furnish a striking contrast to the present apathy and indifference.

16. **Intelligent Organization.** The lack of interest on the part of the voters to which reference has just been made, is perhaps to a certain degree excusable. Experience has shown that good men will run for office if there is a fair prospect of nomination and election, without the petty and ignoble dickering which unfortunately is so common in our political campaigns. Moreover, as shown by the great popular upheaval in New York in 1894, men will vote if, through the smoke of the struggle, they can see that their votes will effect a change in existing conditions. But when, as a result of bad organization, combined with past neglect, the nominating machinery of both the leading political parties has fallen into the absolute control of unscrupulous professional politicians, and boss rule becomes established, then the attendance of the citizen at the primaries and at the polls simply means, in case his party is successful in ousting the other from power, a change of boss, which probably would be no remedy at all for existing evils. Under these circumstances, it is not at all to be wondered at, that the average voter becomes utterly disgusted with politics, and refuses any longer to be used as a tool in a struggle between rival camps of politicians bent on subserving their own personal ends.

The lesson of it all is that something more is needed than a mere interest in public affairs on the part of the voters; their interest must be intelligently directed. To that end men must give their time and thought to counter-organization, which is the only way to win any lasting victory against the powerful and highly organized machine. Primaries and conventions, in one form or another, we must have; the thing to be done is to organize the great mass of the citizens who are interested in having the government carried on in the best possible manner, who in any community always constitute a majority, and then to obtain control of the party primaries, and through them of the various party committees. Once having got the political machine started aright, its subsequent progress in the right direction can be maintained with comparative ease.

CHAPTER VIII.

THE REMEDY OF REGULATION BY PARTY RULES.

1. **The Adoption of Party Rules.** As already stated, in every State and district each political party has State and district committees whose duty it is to manage the affairs of the party in the State or district as the case may be. These various committees have, from time to time, adopted rules for their own government and for the government of the party. In most cases these rules are very simple and are seldom printed. In the large cities, however, owing to the exigencies of the case, the city committees have in some cases adopted very elaborate rules, which are usually printed in pamphlet form for distribution among the numerous committee-men and officers of the party organization. The rules of the Tammany organization and the County Democracy have already been referred to. The Republican rules, however, have usually been more elaborate than those adopted by the Democratic party, for the reason that they have been more often framed with special reference to the protection of the voter at the primaries and conventions. The nature of these rules, so far as they are concerned with the nomination of candidates, may be best seen in a brief account of those in force in New York, Philadelphia, and Boston.

These rules are usually adopted by the city or county committees. Thus the rules governing the Republican party in New York were framed by the county committee,[1] while in

[1] Composed of delegates elected annually at the primaries from the different assembly districts, the apportionment being regulated by the size of the party vote. In 1887, the total membership was 601.

Boston the party regulations consist of the rules of the Republican city committee.[2] In Philadelphia, however, the party rules were adopted by a municipal convention, — a more democratic method.

In regard to alteration of the rules, the practice in the different cities differs widely. In Boston, the rules may be amended at any meeting of the committee by a majority vote of the whole committee, notice of the proposed change having been given at the previous meeting.[3] The New York rules can be amended only by a two-thirds vote of the members present; a previous notice of at least twenty days must be sent, together with a statement of the proposed change, to every member of the committee.[4] In the case of the Philadelphia rules, no alteration or amendment is possible, except by a delegate convention chosen for that express purpose.[5]

2. **Enrolment of Voters.** In all three of the cities which we have selected, the Republican rules provide for the registration, or "enrolment" as it is usually called, of the party voters. The object of such a provision is to prevent members of other parties from taking part in the nomination of Republican candidates, — an evil which, in the absence of some such provision, is almost sure to exist in the large cities. Without such a rule, whenever there is a sharp contest, the temptation is very strong for the supporters of each candidate to induce their Democratic or Prohibition friends to go to the Republican primary, and vote for their favorite. The result is that whichever side is victorious, the friends of the defeated candidate are sure to raise the cry that the victor secured his nomination by the aid of non-Republican votes. Such a state of things causes serious dissensions in the party, and should be avoided by every means consistent with the preservation of the rights of the *bona fide* party voter.

[2] Composed of five members from each of the twenty-five wards, each ward being entitled to one additional member for each two hundred Republican votes over one thousand cast at the preceding presidential election.

[3] *Rules of the Republican City Committee* (1894), Rule 71.

[4] *Constitution and Rules of the County Committee* (1887, still in force in 1895), Art. XIX.

[5] *Rules of the Union Republican Party* (1895), Rule 15.

3. **Qualifications for Enrolment.** Under the New York rules, the "fundamental test of the right of any person to be enrolled shall be the fact that he is a qualified voter of the Assembly district, and that he voted for the Republican candidates for national or State officers at the preceding election." In case he did not vote at the preceding State election, he must declare it to be "his general intention to act with the Republican party at the next ensuing election," and must promise not to attend during that year the caucuses of any other party.[6]

In addition to this "fundamental" qualification, however, the voter, in order to take part in a Republican primary in New York, must be a member of the Assembly District Association of the district in which he lives. The difficulty of obtaining membership in one of these associations has already been described in chapter v.

The provisions in the Philadelphia rules[7] for the enrolment or registration of the party voters afford a striking contrast to those of New York. They are simple, clear, and concise, and they accomplish the only object to be gained by party registration, without in the least impairing the opportunity of every Republican voter to take part in nominating his party's candidates. The rules provide that the registering officers shall place upon the registration list "the names and residences of all Republican voters known to them residing in their respective divisions."[8] Republicans whose names are not thus placed upon the list by the registering officers, are then given an opportunity to register. In order to be registered, the claimant must prove to the satisfaction of a majority of the registering officers that he is a legal voter of the division, and that he

[6] *Constitution and Rules*, Art. II.

[7] The rules governing the Republican party in the city of Philadelphia are to be found in the *New Rules of the Union Republican Party of Philadelphia*, adopted in 1893, and slightly revised in 1894. The unit of the nominating machinery is the "Division Association," corresponding to the Assembly District Associations in New York. On the first Tuesday in May, each division association holds a regularly called meeting (on one week's notice, published in two Republican daily papers), at which are elected a president, secretary, and treasurer who, with three other persons elected at the same time, constitute a board of registering officers for that division.

[8] *Rules of the Union Republican Party*, Rule 3, Sec. 1.

voted the Republican ticket at the preceding national or State election.

The requirements of the Boston rules are very similar to those in force in Philadelphia, except that they are not so strict. The voter's own statement that he is a Republican, supported by a written statement to that effect, signed by three enrolled Republicans, entitles him to enrolment, unless "the Board of Enrolment [i. e. the ward committee] shall for cause otherwise vote." [9]

4. **Manner of Enrolment.** By the New York rules, the "enrolling officers and inspectors of election," [10] are required to meet on "the second Friday in the month of April" at a time and place designated by the county committee. Having organized by the choice of a chairman and secretary, they are to proceed to "enroll on the sheets provided for that purpose, the residence and place of business, if any, of each person accepted for enrolment and the date of his enrolment." [11] Three copies of the enrolled list are required to be filed: one with the secretary of the enrolling officers, one with the secretary of the assembly district committee, and the third with the secretary of the county committee. Each of these copies must be accessible to any enrolled voter "for inspection and challenge." One week after the day of enrolment, the enrolling officers are required to meet to examine all challenges that may have been presented. At least two days' notice must be given the challenged party of a hearing before the enrolling officers. In case the latter decide by a majority vote to strike his name off the roll, he has the right to appeal, within five days, to the Committee on Appeals, [12] whose decision is final.

From the foregoing provisions one would naturally infer that

[9] *Organization and Rules of the Republican City Committee of Boston* (1894), Rule 24.

[10] These officers, who are five in number, are elected by the enrolled Republicans of each district at the same time that delegates to the county committee and the district officers are chosen. Art. IV. of the *Constitution and Rules.*

[11] Art. III.

[12] This committee consists of fifteen members, no two of whom shall be from the same assembly district, and is appointed by the president of the county committee. *Constitution and Rules,* Art. XII.

it is a comparatively simple task for any Republican voter in New York to get his name placed upon the enrolled list of his district. An examination of other articles of the "Constitution," however, puts a new phase upon the question, and readily discloses the reason why the rules adopted at the time of the reorganization of the party in 1883 have failed to give satisfaction. It is provided that there shall be monthly meetings of the enrolled Republicans of the various assembly districts, and that at such meetings any enrolled Republican of the assembly district may propose in writing the name of any person duly qualified for enrolment; and that the name of the person so proposed "shall be referred to the Board of Enrolling Officers to report on such proposed name at the next regular meeting thereafter."[13] In case the Board report the name, it shall be placed upon the enrolled list provided "a majority of the Enrolled Republicans of the Assembly District present and voting shall so determine." In case the enrolling officers fail to report on any name by the second regular meeting after it has been referred to them, the meeting may act upon the name as if it had been reported. It is also provided that "no person shall be enrolled until after a primary election whose name shall have been proposed for enrolment less than thirty days prior to said election." The object of this latter provision is to prevent any candidate from swelling the enrolled list with his friends, without giving a fair opportunity for an investigation into their qualifications.

Reference has already been made to the fact that in Philadelphia the officers in charge of the enrolment place upon the list the names of all persons known by them to be Republicans. In addition, they are required to hold a public session on the Tuesday before each primary election, "for the purpose of adding the names of all persons claiming the right to vote," which session must be publicly advertised;[14] and the registration lists are required to be open to the inspection of all registered Republican voters. Finally, it is provided that in case any person claims the right to vote whose name does not appear in the registered list, or in case the right of any person to vote whose name does appear on the list is challenged by any Republi-

[13] Art. XIV.

[14] Rule 3, Sec. 2.

can voter, the election officers "shall require the vouchers of two well-known Republican voters of the division that such person is qualified under these rules." [15]

Under the Boston Republican rules, which in this respect are very similar to those in force in Philadelphia, it is made the duty of the ward committee of each ward, "before the fifteenth day of September in each year to prepare an enrolled list of all known enrolled Republican voters of the ward, and from time to time thereafter to add to such list the names of all Republican voters of the Ward which have been previously omitted." [16] Any Republican voter whose name has not been placed upon the enrolled list by the ward committee may, at least two days before the holding of a caucus, file with the chairman of the ward committee, "his written declaration that he is a Republican, together with a signed statement of three enrolled Republicans of the ward that he is a Republican and entitled to be enrolled;" whereupon, he "shall be enrolled unless the Board of Enrolment shall for cause otherwise vote," [17] in which case the person making the declaration shall have the right of appeal to the executive committee, whose decision shall be final.

5. **Deprivation of Enrolment.** Under the New York and Boston Republican rules, the privileges secured by enrolment may be withdrawn. The New York rules provide that "at any regular meeting of enrolled Republicans of an assembly district, charges may be preferred against any enrolled Republican who

[15] Rule 3, Sec. 3.

[16] *Organization and Rules of the Republican City Committee of Boston* (1894), Rule 23.

[17] Rule 24. This might appear to leave a loophole for arbitrary action on the part of the ward committee. As a matter of fact, however, the rule appears to have worked no injustice. In regard to the manner of enrolment the Rules of the Republican City Committee of Cambridge, which were modelled largely after the Boston rules, contain a provision for enrolment on the night of the caucus. The rule is as follows: "In case any Republican who is a voter in the ward, whose name has been omitted from the enrolled list, attends a Republican caucus and expresses a desire to vote therein, his name shall be placed upon said list and he be allowed to vote, provided that such person be adjudged to be a Republican in politics by a majority of the ward committee present and shall sign, if requested by such committee, a declaration to the effect that he is a Republican in politics." *Rules of the Republican City Committee of Cambridge* (1892), Rule 32. For a copy of the Declaration, see Appendix D.

shall be claimed to be guilty of conduct unbecoming a Republican or of disorderly conduct at any meeting."[18] These charges, if made in writing and signed by an enrolled Republican, are to be referred to the assembly district committee, who are required to give a hearing to the accused party. The committee are then to report their findings at the next regular meeting of the enrolled Republicans of the district, the decision of which meeting is final, unless an appeal is made within ten days to the committee on appeals.[19]

Under the Boston rules, any name may be stricken from the list by a majority vote of the ward committee, with the right of appeal to the executive committee of the whole city committee; in addition, the name of any person may be stricken from the list by a two-thirds vote of the executive committee, upon satisfactory evidence that he is not a Republican, "opportunity for a hearing before the full committee or a sub-committee thereof having been given to all persons interested, if a hearing is requested."[20] There does not appear to be any provision in the Philadelphia rules for dropping a voter's name from the enrolled list. In case, however, a person's vote is challenged, the election officers must require the vouchers of two well-known Republican voters of the division, that such person is qualified under these rules.[21]

6. **Working of the Enrolment System.** The object of enrolment, namely, the prevention of members of other parties from taking part in the primaries is a most laudable one; and where the party committees are composed of upright men, bent on administering the rules fairly and impartially for the party's best interests, the enrolment system is a decided improvement. This has been the case in Boston, Philadelphia, and other cities where it has been tried.[22] On the other hand, the estab-

[18] Art. XV.

[19] See *ante*, Sec. 4, note 12.

[20] Rules 25 and 26.

[21] Rule 3, Sec. 3.

[22] For example, the system has worked very well in the Republican caucuses in Cambridge, Mass., where the writer has had opportunity to see the condition of things before and after its adoption. Since the adoption of the system, there has been little complaint of Democrats voting in Republican caucuses; on the other hand, *bona fide* Republican voters have not been prevented from taking part in the primary meetings.

lishment of such a system is fraught with danger. Owing to the fact that some one must necessarily decide upon the qualifications of applicants for registration, it is evident that if the party organization falls into the hands of unscrupulous men the enrolment plan may, by enabling the machine to perpetuate its power, lead to a greater evil than the one it seeks to avoid.

In regard to the New York rules, it is evident that at the time of the re-organization of the party in 1883 there were added to the fair and liberal provisions for enrolment contained in the new rules, the obnoxious provisions relative to membership in the assembly district associations or committees whose previous operation had brought the party into such a disgraceful condition.[23] For such provisions there is no excuse whatever; under them the nominations of the Republican party in New York city, instead of being in the hands of the rank and file of the party, are controlled by a few self-perpetuating clubs, and the machine is enabled to maintain itself in power in spite of public opinion.

The remedy of enrolment should be used with great caution. Some sort of registration of the party voters is necessary; but the right of each individual to vote at his party primary, provided he comply with certain reasonable qualifications, should be protected in every possible way. The difficulty of making the adjustment again illustrates the impossibility of any real reform, unless honorable men occupy the positions of responsibility and power.

7. **The Conduct of Caucuses and Primaries.** All three of the sets of rules which we are considering contain more or less elaborate provisions governing the conduct of the primary meetings. In New York, a Republican voter, in addition to the *prima facie* evidence of his name being on the list, must state at the time of offering his vote that "he is a resident of the Assembly District in which he appears to vote, and that it is his present general intention to act with the Republican party at the next ensuing election."[24] The inspectors are required to keep "poll lists" of all persons voting, by checking the names

[23] See *ante*, chapter v. Sec. 7.

[24] Art. V. of the *Constitution and Rules.*

on the enrolled list. The polls must be kept open from 3 to 10 o'clock P. M., and in any district where the number of voters exceeds seven hundred, on petition of twenty-five enrolled voters of the district, they are to be kept open from 8 A. M. to 10 P. M. In the latter case, notice of the time during which the polls are to be open must be published in at least two daily newspapers for four days previous to the election.

It is provided that all elections shall be by ballot, "the candidates for all offices to be filled being voted for on a single ballot, printed on plain white paper, and without mark or endorsement on the outside to distinguish it." This latter provision is to prevent intimidation of voters in the government employ; but what object there is in requiring the candidates for all offices to be voted for on a single ballot, it is difficult to see, unless it is to encourage "machine," as distinguished from independent, voting.

In regard to the counting or "canvassing" of the ballots, it is provided that the inspectors "shall proceed in the manner required by law for canvassing at state elections." They are required to announce the result publicly, to give a certificate to each candidate or delegate elected, and also to file a certified copy of the result with the secretary of the county committee; to file with the same officer the poll lists and oaths taken by the inspectors, in accordance with the State law, and to retain the roll of voters until the assembly district committee shall have met and organized. In addition to these provisions, it is provided that each faction shall be allowed to have three "watchers," both at the enrolment and at the polls, "for the purpose of observation and challenge from the opening of the polls to the close of the count."

The Philadelphia regulations governing primary elections are more elaborate and stringent than the New York rules upon the same subject. The provision in regard to the calling of primaries is especially stringent. Thirty days' notice of all primary elections must be given, and postal cards containing the notice of the election "shall be mailed by the President of each Division association to all the Republican voters in said

division stating the time and place where such election is to be held."[25]

The election officers of the primary elections consist of a judge and two inspectors chosen by the voters at the primaries held in August or September, and each inspector is allowed to appoint a clerk. In addition to the election officers, the president of the division association, the members of the division executive committee, and all the candidates for division officers or delegates are allowed to be present in the room during the election, and "oversee the manner of conducting the election and counting the votes."[26] The election officers are required to check (√) the name of every person who votes; to give to the persons elected their certificates of election; to make a complete and correct return of the number of votes polled for each candidate; and to deliver the same, together with the ballots, the voting lists, and the tally sheets, to the president of the division association on the same evening.[27]

So far as the organization and conduct of caucuses or primary meetings is concerned, the Boston rules, previous to 1894, differed from party rules in any other city, as well as from any statutory provisions that had been adopted upon the subject,[28] in that they applied the Australian ballot system to all primary meetings of the party. In this respect the Boston Republicans took a long step in the direction of improving the character of party nominations in our large cities.

It is made the duty of the city committee to furnish official ballots for the different wards, and it is provided that "the names of all candidates for positions duly presented on Nomination Papers as herein specified and none others shall be

[25] Rule 4, Sec. 1.

[26] Rule 4, Sec. 2.

[27] *Ibid.*, Sec. 6 and 7.

[28] These rules have been very largely superseded by the Massachusetts Caucus Act of 1894, which makes the Australian system compulsory in the caucuses of both the Republican and Democratic parties in the city of Boston. This act, which was very largely based on the Republican rules described above, will be discussed in the following chapter. A summary of the rules has been given, however, in order to show what can be done by the way of party rules, in the absence of statutory provisions. In the case of the Republican party in Boston, the remedy of party rules had done its work before that of legal interference had been applied.

printed on the official ballots." [29] Nomination papers,[30] placing candidates in nomination, must contain the signatures of at least five enrolled Republican voters of the ward, and must be filed with the secretary of the city committee at least one week before the date of the caucus.[31] For the convenience of the voter, there is one very proper provision, that "in connection with a group of names of persons proposed as delegates to a convention, any such statement may be made as that they are favorable to or are pledged to support or oppose any person or persons for an office or offices to be filled, or are for or against any public measure, or are uncommitted . . . and such statements shall be printed upon the ballots." [32] In case of the non-filing of nomination papers in any ward, the ward committee, and in certain cases the president and secretary of the city committee, are authorized to file nominations.[33] The other provisions in regard to nomination papers, the form of the ballots, and the manner of voting are the same as those provided for regular State and city elections in the Australian ballot law of Massachusetts and of other States.

In addition to the provisions in regard to nomination papers, and the other secret Australian ballot provisions, there are several rules prescribing the organization and conduct of the caucuses themselves. For all regular caucuses, of which there are three each year, at least two weeks' notice must be given by the city committee.[34] The conduct of the caucus itself — the distribution and counting of the ballots, etc. — is in the hands of the ward committee, and it is provided that "no other person than the members of the Ward Committee and duly elected or appointed officials, shall, except by the consent of the chairman, approved by a majority of said committee, be allowed behind the rail, and then only for the purpose of rendering such assistance as the ward committee may direct." [35]

[29] *Organization and Rules* (1893), Rule 31. Specimen ballots will be found in Appendix B.

[30] Blank nomination papers are required to be furnished by the city committee (Rule 30).

[31] Rules 32 and 37. [32] Rule 36. [33] Rules 40 and 41.

[34] Rule 59.

[35] This giving control of the conduct of the caucus into the hands of the ward

Furthermore, the exact order of procedure of the caucus is explicitly laid down in the rules. The caucus must be called to order by the chairman, or by some other officer or member of the ward committee. The first business in order is the choice of a chairman, which, at the written request of five enrolled Republicans, must be by ballot. After the choice of a clerk, and "the transacting of any other necessary preliminary business that may properly come before the meeting," the balloting is to begin, and must be allowed to go on uninterruptedly until 8.30 o'clock, when the polls shall close, unless the caucus shall vote to keep them open until a later hour. No person is to be allowed to vote unless his name appears upon the enrolled list, and no ballots except the official ballots of the city committee are to be received. At the close of the polls, the ballots must be counted "in full view of the voters present and the result declared." The clerk is then required to seal up the ballots, together with the check lists of the voters, and all other papers relating to the caucus, and deliver them, within twenty-four hours, to the secretary of the city committee, "by whom they shall be preserved for three months and who shall produce the same if called for by any court of justice, tribunal or convention having jurisdiction of the same." [36]

8. **Cases of Disputed Choice.** In cases of dispute in regard to the result of the primary meetings, the Boston rules provide that, "upon the written request of ten enrolled Republican voters of the Ward in which a Caucus is held, made within three days after any Caucus, the Executive Committee of the Republican City Committee shall recount said ballots," [37] a pro-

committee is a dangerous experiment, as is shown by the experience of the Democratic caucuses under the old system. This difficulty was met, in the Act of 1894, by providing that the caucus officers should be elected by the party voters of the ward.

[36] Rules 65 to 75 inclusive.

[37] *Organization and Rules* (1893), Rule 75. In the case of contested elections to ward committees, the contestants are required to file with the secretary of the city committee, on or before January 1st, "a petition setting forth all alleged irregularities by reason of which the contest is claimed; and the secretary shall, within one week thereafter, serve a copy of such petition upon the party whose election is to be contested," a hearing is then given by the whole city committee to both parties, the contestants being obliged to confine themselves to the allegations contained in the petition. Rules 90 and 91. By an act of 1896, the whole matter of recounting

vision which is apparently not to be found in any other party rules.

The Philadelphia rules contain a very elaborate provision for settling disputes as to the election of delegates to conventions. In such a case the contestant must the same evening file, with the president of the division association, a declaration signed by himself and two other Republican voters, stating the facts of the case. The president must then summon the secretary of the division and the three registering officers who, together with the president, are to constitute a tribunal to determine the matter in dispute. The hearing must be had, and the decision rendered, the same evening as that on which the election occurs. Before hearing the case, the members of the tribunal must separately take oath "to decide the case on its merits; and to award the certificate to the delegate receiving the highest number of legal votes."[38] A sworn certificate is then affixed to the credential of the delegate in whose favor the contest is decided. This admirable provision entirely does away with the delay and annoyance of contesting delegations at the various conventions.[39]

9. **The Call of Conventions.** The Boston rules contain no provision in regard to the calling of conventions. The Philadelphia rules simply require the campaign committee to give at least one week's notice of the time of holding all conventions, to be published for three consecutive days in at least three Republican newspapers.[40] In the New York rules, in order to guard against the evil of "snap caucuses," it is provided that the county committee "shall, whenever a Republican State convention or other Republican convention shall be duly called, fifteen days before the date of meeting of such convention, issue a call

ballots in the Boston caucuses has been given by statute into the hands of the Board of Election Commissioners.

[38] Rule 4, Sec. 8.

[39] In order to prevent the ward executive committee from "selling out" their party nominees, or in any way acting contrary to their interests, it is provided that "all nominees of the party for ward officers shall be *ex-officio* members of their Ward Executive committee, for the election at which they are nominees and for two weeks thereafter and be entitled to vote therein." Rule 5, Sec. 4. A similar provision exists in the case of the city campaign committee, Rule 6, Sec. 1.

[40] Rule 6, Sec. 4. The same provision applies to primaries.

to be published in two Republican daily newspapers for four days, designating the times and places of holding meetings in the several assembly districts for the election of delegates to any such convention."[41]

10. **Apportionment of Delegates.** Under the New York rules, except in the case of the State convention, the county committee is given the power of fixing the number of delegates which each assembly district is entitled to elect to any convention. The committee, however, is required to assign to each district a number of delegates "proportional to the Republican vote cast in such district at the last preceding State election." Within one month after a presidential election, it is made the duty of the county committee to re-apportion the number of delegates among the various assembly districts, the basis being one delegate for every 150 votes, or majority fraction thereof, cast for the Republican electors in the district.[42]

In Philadelphia, the whole matter of apportionment is disposed of by the simple provision that all conventions shall consist of one delegate from each division,[43] while the Boston rules provide that "all calls for Municipal and Aldermanic Conventions[44] shall be based on the Presidential vote next preceding such call,"[45] each ward being entitled to one delegate at large and one additional delegate for every hundred votes cast for the Republican electors.

11. **Procedure of Conventions.** It will be remembered that the difficulties in the way of good nominations in Philadelphia have been encountered not so much in the primaries as in the conventions. Accordingly, the new rules contain very careful and stringent provisions for securing honesty and fair play at all delegate conventions, and in this respect the Philadelphia rules are unique. In order to prevent the fraudulent unseating of duly elected delegates, the following rule has been adopted:

"All conventions shall consist of a delegate from each Division. The person presenting himself with the certificate, as provided in sec-

[41] Art. X.

[42] *Constitution and Rules*, Art. X.

[43] Rule 7, Sec. 1.

[44] In Massachusetts all other conventions are called by the State committee.

[45] Rules (1894), Rule 49.

tions 7 and 8, Rule IV., shall be admitted as a member of the respective conventions, and no officers of any convention or any member thereof shall question the right of said person to sit in the convention; all motions raising such a question are expressly forbidden and shall be ruled out of order." [46]

It is obvious that if this provision is enforced, it will be no longer possible to say that "the man who succeeds in getting the temporary chairman always gets the nomination." [47] It is further provided that the officers of the convention shall be nominated in open convention, and elected by a *viva voce* vote upon roll-call.

The manner of voting in conventions is very elaborately provided for as follows:

> The voting shall be by Wards, commencing with the first and proceeding in numerical order. As each Ward is called by the Secretary, the Chairman of the Ward Delegation, previously selected, shall rise in his place and announce in a distinct tone of voice the names of the candidates, with the number of votes cast for each by his delegation (each delegate being entitled to one vote), which shall be recorded by the Tellers. Should there be any dispute in the Ward Delegation as to the correctness of the vote as announced by the Ward Chairman, the Secretary shall call the names of the Ward Delegation, commencing with the first division and the Tellers shall record the vote as it is then cast. The nominee must have a majority of the votes cast. If there be no nomination on the first ballot the roll of Wards shall be again called and repeated until a nomination is made. . . . All candidates receiving less than three (3) votes on the third ballot must be dropped; and upon all subsequent ballots, the name of the candidate receiving the lowest number of votes shall be dropped and not be again balloted for.[48]

This provision for an open ballot at nominating conventions is an eminently proper one. There has long been a controversy as to the comparative merits of an open and a secret ballot, both in elections and in nominations. A careful consideration of the subject seems to lead to a solution which is in the form of a compromise between these two conflicting views, viz.: that at

[46] Rule 7, Sec. 1.

[47] See *ante*, chapter v. § 11.

[48] Rule 7, Secs. 1 and 2.

elections there should be a secret ballot in order that the individual voter may be protected against all forms of intimidation, while on the other hand, in legislative halls voting should be open in order that the people may know exactly how their representatives act upon matters of public policy. The same distinction between the voter at a primary and a delegate, between the master and his servant, applies to nominations. At the primaries, just as at elections, there should be a secret ballot; while in conventions of delegates, the balloting should be open, in order that the delegates may be held responsible to their constituents.

The only provision in the New York rules relative to the procedure of conventions requires that "in every county nominating convention, in taking the vote upon a nomination, the roll shall be called and each member shall rise in his place and announce the name of his candidate." [49]

In regard to this subject of organization and conduct of nominating conventions, the Boston rules contain no provision at all, except the insignificant one that "in case of any vacancy in a delegation to a convention, it shall be filled by vote of the remaining members of the delegation." [50] The reason for the absence of such provisions, which constitute so prominent a feature of the Philadelphia rules, is that in Boston, and in Massachusetts generally, the nominating conventions have, as a rule, been fairly and honestly conducted. Whatever fraud or violence has occurred has been confined to the caucuses. Nevertheless, judging by some things that have happened, some such rule as has been described for the publicity of voting at conventions, might with advantage be adopted even in Massachusetts.

12. **The Use of Proxies.** Under the convention system, it is the almost invariable custom to allow a person chosen as delegate to a convention to transfer his credential to some one else; and in fact, in many cases, credentials pass from hand to hand like bank checks, —a practice which makes it easy for a few designing individuals to secure control of any particular convention. The Philadelphia rules are the only ones which take notice of this evil. They provide that "no substitute shall be

[49] Art. XVIII. [50] Rules (1894), Rule 62.

allowed under any circumstances to appear in any convention,"[51] a radical departure from the usual custom. The main object of the provision is to prevent scheming politicians from causing the choice at primaries of most respectable citizens as delegates knowing that they will not attend the convention, and then securing their credentials to be used for their own selfish ends. This is beyond a doubt a step in the right direction.

13. **Status of Office-holders.** Reference has already been made to the activity of office-holders in primaries and conventions. In the New York Republican rules, there is a provision that no person shall be eligible as a member of any party committee, or a delegate to any nominating convention, or act as an enrolling officer or inspector of elections, "who directly or indirectly holds any political office or emolument other than that of Notary Public, Commissioner of Deeds, Inspector of Elections or Poll Clerk under Democratic authority . . . and all offices the power of appointment of which is invested in any Democrat, or any board or body whose members are appointed by any Democrat, shall be considered as held under Democratic authority."[52] If this provision applied to Republican as well as to Democratic office-holders, it would be a long step in the direction of the divorcement of the spoils system from its connection with the nominating machinery. As it is, however, instead of being a step towards civil service reform, it is designed as a direct attack upon that principle, for it declares that any Republican who allows himself to be retained in office by a Democratic administration, whether national, State, or municipal, is debarred, as a penalty, from all participation in the nominations of his party. Such a provision is perfectly in harmony with the past and present practice of the two great parties in New York city.[53]

The New York rules contain another provision on the same

[51] Rule 12, Sec. 3. There is a provision in the same rule that no person shall be eligible as a delegate to more than one convention in the same year; and also that no delegate to a convention shall be a candidate for a nomination in that convention.

[52] Art. XVII.

[53] The original object of this provision was probably the same as the enrolment provisions, viz.: the prevention of members of the opposite party from controlling nominations.

general subject, viz.: a prohibition upon the county committee from "entertaining any motion or resolution recommending any person for any political office not filled by election by the people."[54] This provision was undoubtedly intended to prevent the bestowal of government patronage as a reward for party service; but it is to a great extent neutralized by the other provision just described.

On this same subject of the status of office-holders, the Philadelphia rules provide that no person "holding any office or employment of honor, trust or profit under the national, state or municipal governments or any department thereof, shall be eligible as registering officer."[55] This provision, so far as it goes, is certainly in the line of civil service reform.

14. **Conclusions in Regard to Party Rules.** Enough has been presented in the preceding sections to give the reader a fair idea of the general character of party rules so far as they affect nominations. As we have seen, the rules differ from city to city, being framed to meet the particular needs of the place and time; but all of them contain some provisions which might well be applied everywhere. Most of the provisions certainly furnish practical remedies for existing evils, and in Philadelphia and Boston, particularly in the latter, they have accomplished much good; a few of them, notably in New York, while ostensibly steps in the path of reform, in reality constitute a cunningly devised scheme on the part of the professional politicians, to strengthen their already too firm grip on the party organization.

All things considered, however, we may say that, in the absence of legislation upon the subject, many of the evils which have been described in earlier chapters may be remedied by the adoption of a few simple and intelligent party rules with provisions for the following objects:

(1) Some simple form of registration or enrolment of the party voters, care being taken not to deprive *bona fide* members of the party of their rights; to this end a written statement of the applicant that he is a member of the party should be suffi-

[54] Art. XVIII.

[55] Rule 2, Sec. 1. There is a similar prohibition in the case of officers at primaries (see Rule 4, Sec. 2).

cient, unless the contrary is absolutely known to a majority of the committee in charge.

(2) Stringent requirements for the giving of sufficient notice of the time and place of all caucuses and primaries, together with a reasonable publication of the same in the newpapers and elsewhere.

(3) A few simple and carefully drawn rules of procedure for the government of the primary meetings, the object being to secure the orderly conduct of business and a fair and impartial count of the votes.

(4) Some provision for the settlement of disputes, either by a re-count of the votes by the proper officers, or by a fair hearing of both sides before an impartial tribunal.

(5) A few regulations in regard to the procedure of nominating conventions, particularly with the object of preventing the unseating of duly elected delegates.

(6) The prohibition of the use of proxies in conventions. The object for which proxies were originally intended is better accomplished and without the evils incident to the present system, by the choice of alternates by the caucus or primary. The latter method is already used in the choice of delegates to national conventions.

(7) The ineligibility of all appointive national, State, county, and municipal office-holders as delegates to conventions.

Some, if not all, of the foregoing reforms can, of course, be incorporated into statute law; but it would be better, if possible, to have them adopted and enforced by the parties themselves. In order to secure their honest enforcement, however, it is necessary that honest and energetic men should be chosen to positions upon the party committees whose duty it is to carry out the rules. But in order that this shall be the case, there must be a considerable degree of intelligence and interest among the rank and file of the party voters. In places where the great mass of the voters are ignorant, or where the machine has obtained such a grip upon the party organization that it is practically impossible for the voters to help themselves, the only remedy is to call in the strong arm of the law, and obtain, by statutory enactment, what party rules are powerless to accomplish.

CHAPTER IX.

REGULATION BY LAW.

1. **The Introduction of Legislation.** The regulation of party nominations by law is a matter of comparatively recent date. The first statute upon the subject appears to have been passed by the New York Legislature in 1866. It was very weak and ineffective, and was superseded, in 1882, by a more stringent act, regulating the duties of inspectors at primaries, and imposing penalties for illegal voting and for the bribery of voters and delegates. In 1883, the Pennsylvania Legislature passed two separate acts for the punishment of bribery and fraud at primary elections, and in 1884, New Jersey passed a similar act. Other States followed; but it was not until 1888 that Massachusetts, usually in advance of her sister States in the matter of election laws, passed a mild law for the regulation of party caucuses.

In addition to these laws for the regulation of caucuses and primary meetings, the introduction of the Australian ballot system has brought with it a new system of official nominations by "nomination papers," together with certain provisions concerning certificates of nomination to be furnished by caucuses and conventions. Such certificates are rendered necessary by the fact that all ballots are printed and distributed by the State.

At the present time (July, 1896) there is only one State which has no statutory regulation whatever relative to the nomination of candidates for elective office.[1] In all except one of the remaining forty-four States, Australian ballot acts

[1] Louisiana.

have been passed.[2] Of the States which have Australian ballot acts, at least twenty-five[3] have special laws regulating party nominations, apart from the Australian ballot provisions. For convenience, we shall consider first the provisions of the regular ballot acts so far as they affect nominations, and then pass to a consideration of the special laws to which reference has just been made.

2. **The Regulation of Nominations under the Australian Ballot Acts.** Owing to the fact that under the Australian ballot system the State authorities have charge of printing all ballots used at elections, it is necessary that there should be some legal provisions as to the placing of names of candidates upon the official ballot. In all the States having Australian ballot laws, except three,[4] two methods of nomination are recognized, — the American method of nomination by a caucus or convention of a political party, and the English method of nomination by "petition," "certificate," or, as it is usually called, a "nomination paper." The latter method was intended for "independent" as distinguished from "party" nominations. Owing, however, to the "limitation" provision in the laws of most of the States, according to which a political party must have cast a certain number of votes at the preceding election, in order to enable it to get the names of its caucus and convention nominees upon the official ballot, it has come about that the smaller political parties have been obliged to use this method of nomination papers. The object of this limitation is to prevent the ballot from becoming unwieldy, and therefore confusing to the voters. It is doubtful, however, if such a motive justifies the practical disfranchisement of a considerable number of legal voters. Before the introduction of the Australian ballot, these small parties could print their

[2] The single exception is South Carolina. The Florida Act (passed in 1893) applies only to the city of Jacksonville.

[3] California, Colorado, Connecticut, Delaware, Georgia, Illinois, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Washington, West Virginia, Wyoming.

[4] New Hampshire, Delaware, and Michigan have no provision for nomination papers.

tickets at a trifling expense, and they could vote those tickets and have them counted. Under the present system, however, they cannot get the names of their candidates printed upon the official ballot unless they are willing to go to the trouble and expense of circulating nomination papers.

In regard to this matter of limitation, the laws of the different States differ from one another considerably, the requisite percentage of the total vote ranging from ten to one;[5] in eleven States there is no legal limitation,[6] so that any so-called "political party" may have the names of its candidates placed upon the official ballot. In these States the definitions of a political party and of a convention and primary are of interest. The Delaware Act states that "a political party within the meaning of this act shall be an organization of *bona fide* citizens and voters of any county in this State, which shall, by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State."[7] In order, however, to guard against bogus parties, the law further provides that "no organization shall be regarded as a political party that does not represent at least 100 *bona fide* citizens and voters of the county in which it exists." In case the county clerk has any doubt as to the genuineness of any party, he may demand a certificate signed by twenty-five voters belonging to such party. The Mississippi Act provides that the official ballot shall contain "the names of all candidates who

[5] Colorado provides that a party must have cast at least ten per cent of the entire vote of the State or district; Massachusetts, West Virginia, Missouri, Nevada, California, and Oregon require three per cent; Rhode Island, New Jersey, Pennsylvania, Kentucky, Illinois, Wisconsin, and Iowa two per cent; and Maine, New Hampshire, Vermont, Maryland, Ohio, Indiana, and Minnesota one per cent. In fourteen of these States the limitation applies to districts as well as to the State at large; in the remainder only to the State; and in New Hampshire and Massachusetts only the vote for governor is considered. The rigor of the Massachusetts three-per-cent requirement has been somewhat modified by an Act passed in 1895. (Acts of 1895, Ch. 323).

[6] New York, Delaware, Mississippi, Arkansas, Michigan, Kansas, North Dakota, South Dakota, Idaho, Wyoming, and Washington.

[7] *Registration and Election Laws of the State of Delaware* (Dover, 1892), 2; chapter 37, Sec. 3, of the *Laws*.

have been put in nomination not less than fifteen days previous to the day of election, by a nominating convention, or other nominating body, or at a primary election of any political party."[8] Arkansas puts the names of candidates upon the ballot, provided they are certified to by the chairman and secretary of a convention, or by the proper officers of a primary election held by "any organized political party."[9] North Dakota, South Dakota, Idaho, and Washington all define a convention as "an organized assemblage of electors or delegates representing a political party or principle."[10]

3. **Certificates of Nomination.** Practically, all the States having Australian ballot laws require that certificates of nomination shall be filed with the appropriate officers, stating that the party holding the primary or convention has cast the required percentage of the total vote at the preceding election, together with the names of the candidates, the political party they represent, the offices for which they are nominated, and all other facts required by law.[11] In the case of candidates for offices to be voted for at large by the voters of the entire State, the certificate must be filed with the Secretary of State, while in the case of county and municipal offices, they are usually filed with the county, city, or town clerks.[12]

It is usually provided that the certificate shall be signed by the presiding officer and secretary of the convention or caucus, and, in case of a primary election, by the judge of election. In Mississippi, however, the provisions of the law in this regard are very loose. The law provides that the names of all

[8] Chapter 172, of the *Annotated Code of Statute Laws*, Sec. 51. *Registration and Election Laws for the Information of Registrars and Commissioners* (Jackson, 1892), 7.

[9] Act of 1891, *Digest of the Election Laws of the State of Arkansas, published by authority of the General Assembly* (Little Rock, 1891), 11 (Sec 29).

[10] North Dakota, Act of March 7, 1891, Sec. 2. *Election Laws of North Dakota, published by authority* (Bismarck, 1891), 8.

[11] Blank certificates of nomination will be found in Appendix E.

[12] In West Virginia, certificates of nomination are filed with the clerk of the circuit court; while in Arkansas, in the case of county officers, they are filed with the county election commissioners, and in Pennsylvania with the regular county commissioners. In West Virginia, however, in the case of primary elections, the certificate must be signed by the chairman and secretary of the county or district committee.

candidates nominated at a primary or convention shall be printed upon the official ballot "upon the written request of one or more of the candidates nominated, or of any qualified elector who will make oath, that he was a member of the convention or other nominating body, or a participant in the primary election, and that the person whose name is presented by him was nominated by such convention or other nominating body or primary election." [13]

4. **Nomination Papers.** The nomination paper must state the name of the candidate, his place of residence, and the office for which he is nominated, and must be signed by a certain minimum number of legal voters. According to the English law, "every nomination paper must be signed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination." [14] That is, it only requires ten signatures to nominate a candidate for the English Parliament; in the United States, on the other hand, the number is, as a rule, much larger. The object of this severe requirement, as of the percentage requirement, is the prevention of frivolous nominations. In regard to the wisdom of such restrictions, Mr. John Wigmore, in his admirable little book on the Australian ballot system, truly says: "The real restrictions on the number of candidates will be found to be, as English and Australian experience shows, public opinion and the interests of the aspirants. The former will throw ridicule on a candidacy which has no support, and the latter will, as now, have a deterring influence wherever there is not some strong ground for the candidacy." [15] In England the fact that the candidates have to bear all the official expenses of holding the election, is a strong safeguard against frivolous nominations.

In regard to the number of signatures required, there is a great diversity among the different States. Some of the

[13] *Annotated Code of Statute Laws* (1892), chapter 172, Sec. 51.

[14] Act of 1872 (35 and 36 Vict. c. 33); *Statutes Revised*, XVI. 934. For forms of English and American nomination papers, see Appendix E.

[15] *The Australian Ballot System as embodied in the Legislation of Various Countries* (Boston, 1889), 75.

States require a certain definite minimum number of signatures, while others require a minimum percentage of the total vote. For the nomination of candidates to be voted for at large by the people of the entire State, the smallest requirement is 50, the largest, numerically, 3,000; the largest percentage of the total vote, five; the smallest one half of one per cent.[16]

For the nomination of candidates for district offices, there is the widest diversity, ranging from 500 signatures for a city office in New York State to 10 in Iowa; and from a number equal to five per cent of the total vote of the district in California to one per cent in Maine.[17]

The law usually provides that each voter signing a nomination paper shall also write his place of residence, and that at least one of the signers shall take oath that the statements contained in the nomination paper are true. In addition, in Massachusetts, the registrars of voters of the cities and towns must certify that all the names upon each nomination paper are the names of duly qualified voters, before the name of the

[16] New York requires 3,000 signatures; five States, viz., Maine, Massachusetts, Kentucky, Illinois, and Wisconsin, 1,000; six, viz., Rhode Island, Maryland, Indiana, Iowa, Kansas, and Colorado, 500; one, Idaho, 300; one, Oregon, 250; two, North and South Dakota, 200; one, Washington, 100; and one, Mississippi, 50. The Arkansas law provides that the number of signatures for State, district, or county officers shall not be less than 50 nor more than 1,000; Pennsylvania requires that the number of signatures shall be equal to at least one half of one per cent of the largest total vote of the State; Vermont, New Jersey, West Virginia, Ohio, Minnesota, Missouri, and Wyoming one per cent, the requirement in the case of the first three applying to any particular district as well as to the State; Nevada has a three-per-cent requirement with the significant proviso that the number of signatures must not be less than three; while the California Act provides that the number of signatures shall equal at least five per cent of the total vote of the State or district.

[17] For instance, for congressmen, Maryland requires 500 signatures; Rhode Island, 250; Indiana, 200. For county officers, Ohio requires 300 signatures; Colorado and North Dakota, 100; Idaho, Washington, and Oregon, 50; Iowa and Kansas, 25; South Dakota, 20. Maine, Vermont, Massachusetts, New Jersey, West Virginia, and Wisconsin require a number of signatures equal to at least one per cent of the total vote of the district for which the candidate is nominated; Pennsylvania has a two-per-cent requirement; Illinois requires two per cent, except in the case of village officers, where the requirement is raised to five per cent; while California requires five per cent in all cases.

candidate will be placed upon the official ballot.[18] In almost all the States, it is made a penal offence for a person to sign more than one nomination paper for the same office.

5. **Filing of Nomination Papers.** Nomination papers are required to be filed with the same officers as the certificates from the officers of caucuses and conventions already referred to. In regard to the time of filing of both certificates and papers, there is the widest diversity. Some States have a different requirement for nomination papers than for certificates, a longer time being allowed for filing the former. Moreover, many States have different dates for State, county, and municipal offices, which, when combined with different dates for certificates and nomination papers, results in a confusion which is absolutely unnecessary.[19] The last date for filing certificates and nomination papers varies from thirty-five to three days before election, the earlier dates being required in the case of officers to be voted for by the people of the State at large, and the later dates for district and town officers. Nineteen States have a maximum limit for the filing of certificates and papers, ranging from forty to one hundred days, sixty days being the most common.[20]

[18] See Massachusetts Acts of 1893, chapter 417, Sec. 78.

[19] Seven States, however, Maine, New Hampshire, Rhode Island, Delaware, West Virginia, Mississippi, and Michigan make no distinction between the different grades of officers, but require all certificates and papers to be filed on or before a certain specified day.

[20] The New York Act is a fair sample of the unnecessary complexity of some of the statutory provisions for the filing of certificates and papers; the provisions are as follows:

"The different certificates of nominations shall be filed within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of State, if party nominations, at least 25 and not more than 40 days; if independent nominations, at least 20 and not more than 40 days; those required to be filed with a county clerk or the board of police commissioners of the city of New York, or the board of election of the city of Brooklyn, if party nominations, at least 20, and not more than 30 days; if independent nominations, at least 15 and not more than 30 days; those required to be filed with the city clerk of any other city, if party nominations, at least 10 and not more than 20 days, if independent nominations, at least 8 and not more than 20 days; those required to be filed with a town or village clerk, if party nominations, at least 6 and not more than 20 days; if independent nominations, at least 5 and not more than 20 days." (Chapter 680 of the Acts of 1892; chapter vi. of the General Laws

6. **Withdrawal of Candidates.** Most of the States have some provision for the withdrawal of candidates. In Massachusetts and Colorado nomination papers must be accompanied by the written acceptance of the candidate. In Oregon a formal acceptance is required in the case of convention nominations as well as in the case of nomination papers. This is to prevent the politicians of one party from putting up a prominent man of the other party as an independent candidate without his knowledge or consent, in order to weaken their "regular" opponent and elect their own man. It is an eminently proper provision, and ought to be universally adopted. Usually, however, silence is construed as acceptance, and a formal withdrawal is required, in order to prevent the name of a duly nominated candidate from appearing on the official ballot.[21]

In case of the death or withdrawal of a candidate, it is usually provided that a new candidate may be nominated in the same way as the original candidate was nominated. If, however, the time is too short for calling a caucus or convention, in case no provision for the filling of vacancies has been made by the original caucus or convention, the State or district committee of the party is generally empowered to fill the vacancy.[22]

Sec. 59.) It will be observed that this act contains all three complications, viz., a different date for certificates of nomination and nomination papers, different dates for the different grades of offices, and a maximum as well as a minimum time limit.

[21] In Massachusetts and Colorado, the withdrawal must be filed within three days of the final date for filing certificates and papers. In Idaho, the withdrawal must be filed at least 30 days before election; in North Dakota, 25 days; in Washington, 20 days; in South Dakota, 3 to 15 days according to the office; in Illinois, Iowa, and Kansas, 8 to 15 days; in Rhode Island, 12 days; in New Jersey and Mississippi, 10 days; and in New York, 8 to 10 days, except in the case of town and village officers. In Oregon, a candidate can withdraw any time before election day. In case the ballots have been printed, his name is cancelled on the ballot and "cards of instruction" announcing the fact of his withdrawal are circulated at the polls. (Act of 1891, Sec. 51; *Election Laws*, 1891, 31.)

[22] In case the committee cannot be got together, the West Virginia Act provides that the chairman of the committee shall have power to fill the vacancy. In Indiana, unless a legal convention is called, the sole power of filling all vacancies is given by the law to the chairman of the State or district committee. In case of the death or withdrawal of a candidate after the ballots have been printed, in twelve States, — Delaware, West Virginia, Kentucky, Ohio, Michigan, Minnesota, Iowa,

7. **Settlement of Disputes.** In several of the States provision is made for the settlement of disputes in regard to the validity of nominations. Thus, in Massachusetts,[23] all objections to the validity of nominations must be filed within seventy-two hours of the close of the time for filing such nominations, and all such cases are tried and decided by the Ballot Law Commission, which is composed of three members appointed by the governor from the different political parties.[24]

8. **Publication of Nominations.** In most of the States there is some provision for the publication of nominations by the Secretary of State, or the county or town clerks, as the case may be. It is usually provided that the list of nominees shall be published in two papers, one of each of the two leading political parties in each county or district, or else posted

Kansas, North Dakota, Idaho, Wyoming, and Washington, — provision is made that "stickers" or "pasters" with the name of the new candidate may be furnished to the election officers by the party committee. For example, see Wyoming act of 1891, Sec. 100; *Election Laws* (Cheyenne, 1891), 38.

[23] Act of 1893, chapter 417, Sec. 85. Such controversies usually take the form of a dispute as to which of two persons is the "regular" party candidate, or as to the validity of a nomination paper.

[24] In New York, objection must be filed within three days of the filing of the certificate or nomination paper, and the decision of the officer with whom it is filed is final, unless appeal is made to the ordinary courts of law. In New Jersey, the objection must be filed within five days of the filing of the original nomination, and the case is decided in the first instance by the city or town clerk, with the right of appeal to the justice of the supreme court for the circuit. In Pennsylvania, such disputes are decided by the Court of Common Pleas; and, in Delaware, by the clerk of the county, with an appeal to a board composed of the clerks of the three counties sitting at the State capital. In Ohio, objection must be filed within five days of the filing of the original nomination; the dispute is settled in the first instance by the officer with whom it is filed, with the right of appeal to the State supervisor of elections. In Indiana, all disputes concerning the validity of nominations are settled by the "Board of Election Commissioners." In Illinois, disputes in regard to the validity of nominations for officers to be voted for by the voters of the State at large, are settled by a board composed of the secretary of state, the State auditor, and the attorney-general; in the case of candidates for county and district officers, by a board composed of the county judge, the county clerk, and the district-attorney; and in the case of candidates for municipal officers, by a board composed of the mayor, the president of the board of aldermen, and the city or town clerk. The same system is found in Iowa and Kansas, with the exception that the county auditor, and a member of the common council chosen by lot, are substituted for the county judge and the president of the board of aldermen respectively.

in a certain number of public places. Some of the far western States have very elaborate provisions on this subject. The section of the Colorado act upon the subject is fifty-five lines in length, and contains, among other things, a provision for ascertaining the two papers which have the largest *bona fide* circulation in the county or city.[25]

In Oregon, there is a provision for a "register of nominations" open to public inspection,[26] and some provision for the publicity of the names of candidates filed with the authorities is found in the laws of all the States.

9. **Penalties.** The defacing, destroying, falsifying, or suppression of a certificate of nomination, or of a nomination paper, is, in most of the States, made a criminal offence. The penalty varies greatly, the maximum ranging from $50 to $1,000 fine, and from six months' to five years' imprisonment. Penalties are also, as a rule, imposed on persons signing more than one nomination paper, taking a false oath, or committing other similar offences against good government.

10. **Special Laws governing Nominations.** Coming now to laws regulating nominations, apart from the Australian ballot provisions, it is to be observed that such statutes differ widely in their scope of application. For example, at the present time, Massachusetts, Pennsylvania,[27] South Carolina, Mississippi, and Nevada have acts upon their statute books which are applicable to the whole State and to all party nominations. In the Michigan act, the provisions prescribing the hour when primary elections shall be open, and requiring voting by ballot, are applicable only to cities of 25,000 population or over, the rest of the act being applicable to the whole State.[28] In Missouri, the act of 1890, requiring officers of primary elections to take oath, and punishing illegal voting, bribery, and fraudulent returns, is applicable to the entire State; but the act of 1891, which applies certain of the provisions of the Aus-

[25] Act of 1891, Sec. 11; *Election Laws* (1893), 30–32.

[26] Act of 1891, Secs. 39 and 40; *Election Laws* (1891), 24.

[27] The Pennsylvania act simply requires the officers of primaries to take oath, and punishes bribery, fraud, and corruption. The acts of the other three States are much more comprehensive.

[28] Act of 1893, Sec. 9; *Public Acts* (1893), 275.

tralian ballot to primary meetings, is applicable only to cities of 300,000 and upward, — i. e., to St. Louis; and to parties casting at least one-fourth of the entire vote, — i. e., the Republican and Democratic parties.[29] The provisions of the New York law, concerning the qualifications of voters, the duties of chairman, etc., are applicable to the whole State, but certain additional requirements, made compulsory at the written request of five party voters, are applicable only to places having a population of 5,000 and upwards.[30] The Oregon act is applicable only to cities having a population of 2,500 and upwards, but is compulsory on all nominations in those places.[31] The New Jersey act, which simply requires the officers of primaries to take oath, and which punishes corrupt practices, is applicable only to cities.[32] West Virginia,[33] Kentucky,[34] and Wyoming[35] have acts which are optional in their character, — i. e., they apply only to those caucuses or primary elections expressly called under the provisions of the act. The California act is also optional in regard to all its provisions, except those concerning fraud and bribery.[36]

11. **Time and Place of holding Primaries.** All of these acts contain some provision in regard to the calling of caucuses and primaries; and here again there is a wide difference between the enactments of the different States. For example, the Wyoming act simply requires that the call shall designate the person who is to call the caucus to order;[37] while in Oregon, the "managing committee" of the party calling the meeting must give seven days' notice of the primary, signed by the secretary

[29] Act of April 18, 1891, Sec. 1.

[30] Laws of 1892, chapter 680, Secs. 51 and 52.

[31] Act of Feb. 11, 1891, Sec. 1; *Election Laws* (1891), 51.

[32] Cf. title of Act of 1884: "An Act to regulate the holding of and to prevent frauds in the primary elections of the several political parties in the cities of the state of New Jersey."

[33] Act of March 5, 1891; Acts of 1891, chapter 67, Sec. 1.

[34] Acts of 1892, chapter 65, Article xii. Sec. 4. *Instruction to Election Officers* (1892), 42.

[35] Act of 1891, chapter 32, Sec. 1. *Election Laws* (1891), 3.

[36] *Political Code*, Sec. 1357; *Election Laws* (1892), 39. See also chapter 16 of Acts of 1893, Sec. 11.

[37] Act of 1891, Sec. 2.

of the committee, and stating the time and place, the hours during which the polls are to be open, together with the names of the three election judges, — all of which must be published in some "newspaper of general circulation in the city." [38]

In addition to these requirements in regard to the calling of caucuses and primaries, four States have certain special provisions regarding either the time when such meetings shall be open, or in regard to the place where they are to be held. For instance, New York has a provision that party primaries may be held at any hour between 9 A. M. and 9 P. M., as the party organization may decide.[39] The object of this provision is to prevent the primaries from being held at inconvenient times, when only those personally interested would take the trouble to attend. The Michigan act, which in this regard is the most comprehensive, provides that "no primary election shall be held in a saloon, bar-room, or any place adjacent to a room or place where intoxicating liquors are sold," [40] — a laudable attempt to get rid of the influence of the saloon in politics. The statutes of the same State further provide that "primary elections known as caucuses for the nomination of candidates . . . shall be made to begin at 3 o'clock in the afternoon and to continue until 8 o'clock in the evening." [41] In Missouri, where the Australian ballot system is made compulsory on the Republican and Democratic primaries in St. Louis, the city authorities are obliged to furnish two polling places in each ward.[42] The Oregon act provides that "the polling places at all primary elections shall be kept open for the reception of votes not less than five nor more than seven consecutive hours, and between the hours of 12 o'clock noon and 7 o'clock P. M." [43]

[38] *Primary Law of* 1891, Sec. 2. *Election Laws* (1891), 52. In Michigan, at least five days' notice must be given "by publication in one or more daily papers in places where such papers are published and in other cases by posting up notices in at least three public places in the precinct for which the primary election is to be held." (Acts of 1893, No. 175, Sec. 9; *Public Acts*, 274-5).

[39] Chapter 680 of *General Laws of* 1892, Sec. 51.

[40] Act of 1893, Sec. 8; *Election Laws* (1894), 36.

[41] Act of 1893, Sec. 9; *Election Laws* (1894), 36.

[42] Act of April 18, 1891, Sec. 3.

[43] Act of Feb. 11, 1891, Sec. 4; *Election Laws* (1891), 53.

12. **Qualifications for Voting at Caucuses and Primary Elections.** In all the States having statutes on the subject, a person, in order to vote at a caucus or primary, must be a legal voter of the district in which it is held. Apart from this, the matter is usually left to the party rules. For instance, the New York law, after stating that a person must be a legal voter in the election district, goes on to provide that he must, in addition, possess "such other qualifications as shall be authorized by the regulations and usages of the party holding the primary."[44] In Michigan[45] and Oregon,[46] in case any voter is challenged, he must make oath that he is duly qualified to vote; while in South Carolina all persons voting at a primary are required to take such an oath.[47] The Kentucky law has a provision for the registration of party voters, and no one can vote at a primary election unless his name appears upon the registered list.[48] The system of registration is very simple and effective. In the regular registration books of the State officers there is an additional column, headed, "Party affiliation," and each applicant for registration is asked the question, "What political party do you desire to affiliate with?" No one is compelled to answer this question; but all who do answer it register themselves at once for the primaries and for the regular election. The persons authorized by a party committee to copy the names of the party voters from the books at the registrar's office are obliged to take oath to perform their duty faithfully. A heavy penalty is imposed for neglect of this duty, and also for changing or mutilating the primary registration books belonging to the party committee. Persons who have failed to register at the regular registration may be "specially registered," provided that they file an affidavit that they were actually prevented from registering at the appointed time, supported by the written testimony of

[44] Chapter vi. of the *General Laws*, Sec. 53.

[45] Act of 1887, Sec. 2; *Election Laws* (1894), 36.

[46] Act of 1891, Sec. 7; *Election Laws* (1891), 54.

[47] Act of 1888, Sec. 3.

[48] This provision applies only to primary elections called under the act. In all other cases, all legal voters may vote, provided they conform to the party rules. If challenged, an oath is required. Act of 1892, Sec. 10; *Instructions* (1892), 46.

"two well-known and reputable residents of the precinct setting forth the reason, etc." In case sickness is given as a reason, the affidavit must be signed by "some reputable physician."[49]

13. **Organization and Conduct of Caucuses and Primary Elections.** In regard to the conduct of primaries, some of the States have scarcely any provision upon the subject, while others have laid down more or less detailed rules of procedure for the government of the primary meetings. As examples of the former class may be mentioned, New Jersey[50] and Pennsylvania,[51] where the law simply provides that all officers of primaries shall take oath to perform their duties in accordance with the party rules and the laws of the State relative to bribery and corruption; and Michigan[52] and West Virginia,[53] which merely require that all voting shall be by ballot with the qualification, in the case of the latter, "unless otherwise provided in the call." New York and Wyoming are good examples of the other class, the statute being optional in the case of the first, compulsory in the case of the second.

The New York law provides that the primary shall be presided over and conducted by officers elected in accordance with the rules of the party. In places having a population of 5,000 and over, if five party voters so request the chairman of the general or district committee in writing, the following additional requirements become operative.[54]

(1) The chairman and other officers must take oath to faithfully perform their duties in accordance with the laws of the State and the rules of the party.

(2) All candidates and delegates must be chosen by ballot.

(3) The polls must be open continuously, at least one hour.

(4) The tellers must keep a "poll list" of the names and residences of all persons voting.

[49] Act of June 30, 1892, Secs. 6, 7, and 8; *Instructions to Election Officers* (1892), 43–5.

[50] Act of 1884; *Public Laws*, 323.

[51] Act of June, 1881; Brightley-Purdon, *Digest* (Philadephia, 1885), i. 677.

[52] Act of 1891, Sec. 3.

[53] Acts of 1893, 165, 166.

[54] Chapter vi. of *General Laws*, Sec. 52.

(5) "Watchers" must be appointed to look after the interest of each candidate or set of delegates so requesting.[55]

(6) The chairman must file with the county clerk a sworn statement of the result, together with the poll list, ballots, and all other papers relating to the primary.

The Wyoming law, which was modelled after the Massachusetts act of 1888, is very simple in its requirements. It provides that the caucus shall be called to order by the person designated in the call, in the absence of whom the caucus is empowered to choose a temporary chairman. The organization of the meeting by the choice of a permanent chairman and secretary is the first business in order. At the written request of five or more qualified voters, a ballot must be taken for the choice of any delegate or member of a political committee, "unless the caucus shall vote to dispense with such ballot."[56] At the written request of five voters, the secretary of the caucus is required to preserve the ballots and voting lists, and "shall produce the same if called for by any court of justice."[57]

14. **Penal Provisions.** All the States impose penalties for illegal voting[58] at caucuses and primaries, and most of them also for neglect of duty and wilful fraud on the part of primary and caucus officers,[59] for direct or indirect bribery, and for kindred offences. The maximum penalty varies greatly in the laws of different States, ranging all the way from $50 fine for fraudulent voting in Mississippi to $1,000 for the same offence in Michigan; and from three months' imprisonment for bribery in Mississippi to seven years for the same offence

[55] The secretary of the primary is required to open the ballot-box in the presence of the watchers, who are also allowed to be present at the counting of the votes.

[56] This is the clause which made a similar provision nugatory in the Democratic caucuses in Boston. The chairman always declares that the motion to "dispense with the ballot" is carried. The only remedy is to make a ballot absolutely compulsory at the request of a certain number of voters.

[57] Chapter 32, 1st session 1891, Sec. 7; *Primary Registration and Election Laws of the State of Wyoming* (Cheyenne, 1891), 5.

[58] This includes voting by those not members of the party holding the caucus or primary, or who are not qualified under the party rules.

[59] This includes any violation of the State law or of the party rules.

in California. In several of the States the penal provisions apply to conventions as well as to primaries.[60]

In addition to the general provisions for the punishment of fraud and bribery, New York punishes any attempt to induce the officers of a primary to neglect or violate their duty.[61] New Jersey imposes a penalty on judges of primary elections acting before taking the required oath.[62] West Virginia makes it a crime to employ "workers" at the polls.[63] California applies the corrupt practices provisions of her ballot law to primaries and conventions.[64] New Jersey[65] and Oregon[66] make it a crime for the officers of a primary to refuse to receive the vote of a duly-qualified voter. Mississippi requires the saloons to be closed during the time that the polls are

[60] The stringent character of some of these laws may be seen by an extract from the Pennsylvania act of 1883, which is entitled "An Act to prevent Bribery and Fraud at Nominating Elections, Nomination Conventions, Returning Boards, County or Executive Committees, and at Elections of Delegates to Nominating Conventions in the several Counties of this Commonwealth."

Section one of this act provides as follows: "Hereafter, if a candidate for any office within this Commonwealth shall directly or indirectly give, offer, or promise to give, or procure any other person to give, offer, or promise to give to any elector, any gift or reward, in money, goods, or other valuable thing, or any office, emolument or employment on condition expressed or implied, that such elector shall cast, give, retain, or withhold his vote, or use his influence at a nominating election, or delegate election, or cast, give, or substitute another to cast or give his vote or use his influence at a nominating convention for or against the nomination of any particular candidate for nomination, so as to procure such person to be voted for at any election to take place, the person so hiring, procuring, influencing, abetting, endeavoring, or offering either directly or indirectly through others, their aiders or abettors, to procure the person to be voted for by such electors, shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding three hundred dollars and be imprisoned for a period not exceeding three months." There are five other sections couched in similar language, imposing penalties for the acceptance of a bribe, for a voter offering to sell his vote, for "repeating and other forms of fraudulent voting and for similar acts by delegates to nominating conventions and members of party committees." (Act of June, 1883 — Brightley-Purdon, *Digest of the Laws of Pennsylvania* (Philadelphia, 1885), I. 466, 467.)

[61] *Penal Code*, Sec. 41.

[62] *General Public Laws* (1884), chapter 211, Sec. 2.

[63] Acts of 1890, chapter 16, Sec. 2; *Acts of Legislature of West Virginia at Nineteenth Annual Session and Extra Session of* 1890, 176.

[64] Acts of 1893, chapter 16, Sec. 11.

[65] Acts of 1884, chapter 211, Sec. 2.

[66] Act of 1891, Sec. 12; *Election Laws* (1891), 55.

open at primary elections.[67] Finally, Pennsylvania has a special law which applies to primary as well as to regular elections, providing that "any person who shall furnish or supply to any elector of this commonwealth at any of the polls or voting places, any ballot or ticket falsely representing it to contain names not thereon, with the intent and purpose of defrauding said voter out of his expressed choice, shall be deemed guilty of a misdemeanor, and, on conviction, shall pay a fine not to exceed one hundred dollars, or imprisonment not to exceed one year, one or both, or either, at the discretion of the court."[68] This severe provision was undoubtedly intended to prevent the practice sometimes resorted to of preparing a ticket of delegates in every respect similar to another well-known ticket, except that one or two names in the list are changed, the alteration being so little noticeable that the average voter would never suspect the shrewd trick of which he was the victim.[69]

15. **Provisions Relative to Nominating Conventions.** With the exception of certain of the penal provisions against fraud and bribery, which apply to all meetings for the nomination of candidates for public office, most of the States have no statutory regulations governing nominating conventions.

In Massachusetts, there is a provision that with the exception of the nomination of candidates for the Lower House of the legislature, or for city and town officers, "no nomination of a candidate to be voted for in an electoral district or division containing more than one town or more than one ward of a city shall be made by a caucus."[70] This makes the convention system compulsory in nominations for all other offices.

North Dakota, in 1890, passed an act for the "Regulation of the Use of Proxies in Conventions," which is interesting as being the first attempt, so far as the writer has been able to ascertain, at remedying by statute law an evil which fre-

[67] Chapter 104, of *Annotated Code*, Sec. 19.

[68] Act of June 13, 1883; *Public Laws* (1883), 92.

[69] This device has been used in the caucuses in Cambridge, Mass.

[70] Chapter 417, of the Acts of 1893, Sec. 71; *Election Laws* (1893), 28.

quently occurs at nominating conventions.[71] The evil consists in the procuring by the machine politicians of the credentials of absent delegates, or of delegates who leave before the convention is over, and using them for their own ends. It frequently happens that two or three shrewd politicians are enabled, by the proxies in their possession, absolutely to control the proceedings of a convention. The North Dakota Act makes it unlawful "for any person to use or attempt to use the proxy of any delegate elected to any state, district, or county convention, of a political character, unless he holds his legal residence within the same political sub-division which is recognized as the unit of representation in the convention in which the proxy is used or sought to be used."[72] Under this law, no person can use the proxy of more than one delegate.

The Mississippi law, however, is the only one which regulates to any extent the calling and organization of nominating conventions. It provides that delegates to a State convention shall be chosen throughout the State on the same day, and the same provision is made in regard to all district conventions.[73] This is an eminently wise provision, and ought to be universally adopted.[74] Its object is to prevent the action of the caucuses or primary elections in one locality from affecting, in any way, the action of the caucuses or elections in other districts. Where there are several contestants for a nomination, as almost always happens in the case of the nomination of a candidate for governor or congressman by the majority party in a State, the managers of the different aspirants for the nomination direct their energies, at the outset, to those

[71] It will be remembered that the Rules of the Republican party of Philadelphia remedy the evil by prohibiting the use of proxies altogether. See *ante*, chapter viii. § 12. The Massachusetts Caucus Act of 1895 provides that in the case of a vacancy in a delegation, the remainder of the delegation shall fill the vacancy, thus doing away with proxies altogether.

[72] Laws of 1890, chapter 12, Sec. 1. *Election Laws* (1891), 51.

[73] *Annotated Code of Statute Laws*, chapter 104, Sec. 4.

[74] This provision was at first incorporated into the Massachusetts Act of 1894, but was subsequently modified so that caucuses for the choice of delegates to a State convention must be chosen on one of two consecutive days.

places choosing their delegates first, in order to get the moral advantage of a victory in the preliminary skirmish. Moreover, as place after place chooses its delegates, the battle between the contending factions becomes hotter and hotter, and every effort is made to carry the remaining caucuses and elections. Such a state of things is demoralizing to the party as well as to the community at large. This was long ago recognized in the case of regular elections, and in every State in the Union the law requires these to be held throughout the State on the same day. Precisely the same reason exists for a similar provision in regard to nominations.

The Mississippi law also requires that at least 42 days' notice shall be given of a State convention, while a notice of 36, 30, and 20 days, respectively, is required for congressional district and county, or minor conventions.[75] The object of the provision is to prevent "snap conventions," such as have occurred in New York State.[76] It is further provided that all conventions shall be held some time between July 1st and September 1st. Each county is allowed to determine the method of selecting its delegates, but the method adopted must be "fair and equitable," and such regulations must be adopted "as will ascertain the will of the majority of the party." The executive committee is expressly forbidden to "gerrymander" the State or district. It is provided that "each precinct or district in a county shall have fair and equitable representation in county meetings or conventions," and that "when there is a difference of opinion or choice among members of the party in any such precincts or districts as to candidates or delegates, each faction shall have its proportion of representation in the county meeting or convention." It is evident that we have here the principle of proportional representation carried out in the nomination of candidates, although it has not, as yet, been applied to the regular elections.

The law further fixes, absolutely, the basis of apportionment, — a matter which everywhere else is left entirely to the

[75] § 5.

[76] See *ante*, chapter v. § 14; also chapter vi. § 4.

party organization. In every convention each county is entitled to twice as many delegates as it has members in the Lower House of the legislature. Finally, every convention is required to "prorate" the votes of the delegates so as "to represent, as nearly as practicable, the popular vote cast in the primary election," — a further application of the principle of proportional representation.[77]

16. **The Massachusetts Act of 1894.** As has already been stated,[78] it was not until 1888 that Massachusetts passed an act regulating party nominations. The main provisions of this act, which did not do much more than give the party caucus legal standing, have already been given in the description of the Wyoming act.[79] The reason for this lack of statutory regulation is to be found in the fact that, as a rule, party caucuses and conventions in Massachusetts have been free from the evils which have been so frequent and so glaring in other States. In the city of Boston, however, as has already been shown,[80] fraud and violence have been of frequent occurrence in the caucuses of the Democratic party. Stimulated by the example of the Republican party, which, in 1890, adopted the admirable set of rules which have already been described, repeated attempts at caucus reform within the party were made by prominent Democrats. All of these attempts being unsuccessful, appeal was at last made to the State for legislation to compel the Democratic city committee to give the rank and file of the Democratic voters fair and honest caucuses. As a result of this agitation, the House of Representatives of 1893 appointed a special committee to sit during the recess to examine into the operation of the Act of 1888, and "to consider and report whether any further amendments of said act are necessary or any further legislation on the same subject." This committee held public hearings during the summer and fall, and, as a result of their labors, reported the draft of a new caucus act to the Legislature of 1894, by which it was referred to the Committee on Election

[77] § 17. Mississippi Acts of 1890, ch. 12.

[78] § 1 of the present chapter.

[79] § 13.

[80] See *ante*, chapter v. § 13.

Laws, of which the writer was a member. This committee also held public hearings upon the subject of caucus reform, and, using the evidence given at the hearings, the suggestions of the Recess Committee and of the Election Laws League, reported a bill which was subsequently enacted into law. In framing the bill the committee had two objects in view: in the first place, to leave as much control as possible in the hands of the party; and, in the second place, to take into account the widely-different conditions prevailing in the urban and rural sections of the State. Inasmuch as this law is one of the most recent pieces of legislation upon the subject, and because of the time and thought spent in its construction, it may be well to consider its provisions somewhat in detail.

The act, as originally passed, contained three main features: 1st, certain general provisions applicable to the entire State; 2d, certain special provisions applicable only to the city of Boston; and 3d, the application of these special provisions to the caucuses of a party in any city or town, provided a majority of the party voters in that city or town so determine. The Legislature of 1895, however, after making certain perfecting amendments in the light of one year's experience, divided the act into two separate acts, one containing the general provisions applicable to the whole State, and the other the special provisions compulsory in Boston, but optional in the rest of the State.[81]

The most important general provisions may be summarized as follows:

(1) Each political party in a city or town which holds caucuses for the nomination of candidates is required each year to elect a city or town committee, and certain general provisions are laid down for the organization and government of such committees. There are also similar provisions in regard to State and district committees.

(2) All caucuses of a political party for the choice of delegates to the various conventions (except State representative conventions) must be held throughout the commonwealth on

[81] The text of the law, as contained in these two acts passed in 1895, will be found in Appendix G.

one of two consecutive days,[82] and all such delegates must be chosen at one caucus. The same provision is made in regard to representative conventions and caucuses.

(3) At least seven days' notice must be given of all caucuses. The notice must state exactly when and where the caucus is to be held, and copies of the notice must be conspicuously posted in at least five places "on lines of public travel." The polls shall be kept open at least thirty minutes, and, in balloting, the voting lists last certified to by the registrars of voters shall be used.

(4) No person who has voted at the caucus of one party can vote at the caucus of another party during the same calendar year. Each city or town committee is allowed to make such rules as are consistent with the act, to prevent members of other parties from voting at its caucuses.

(5) A plurality vote is sufficient for the election of a delegate or for the nomination of a candidate. In the case of a tie vote for a delegate to a convention, or for a city or town committee, those members of the delegation or committee who are elected, are empowered, under certain regulations, to fill the vacancy. In case of a tie vote for candidates for an elective office, another caucus must be held, if a single voter objects to another ballot being taken the same evening.

(6) At the request of the city or town committee, the authorities of cities and towns are required to furnish polling places for the holding of caucuses.

(7) On the written request of ten qualified voters, the secretary of the caucus is obliged to keep the voting lists and ballots, and must produce them if called for by any court of justice, — a precaution against fraudulent counting. Provision is also made for a recount of the votes cast at the caucus under certain conditions.

(8) Each political party is allowed to make and enforce any further regulations not inconsistent with the act.

[82] Some members of the committee were anxious to have all the caucuses for the election of delegates to the same convention held on the same day, but the members from the country districts objected on the ground that something might occur to keep the voters away on the day appointed by the State committee.

17. **Massachusetts Legislation in the Boston Caucuses.** The provisions of the law which are limited in their compulsory application to the city of Boston, are very similar in their general character to the Rules of the Republican City Committee of that city which have been described in the preceding chapter. The main feature is the application of the Australian ballot system to the organization and conduct of caucuses, with the usual provisions for the filing of nomination papers, the withdrawal of candidates, the filling of vacancies, the preparation and form of official and sample ballots, etc.

In one respect, these provisions differ in character from the provisions of the general election law of the State: it is provided that the names of the delegates to a convention may be arranged by groups instead of alphabetically, — a single cross placed in the upper right-hand corner of the group being counted as a vote for each member of the group.

The question, who should conduct the caucuses in Boston, was a very puzzling one to the committee. The first idea of the committee was to place the conduct of the caucus in the hands of the ward committee, as is provided in the Boston Republican Rules. The testimony of leading Democrats, however, showed, conclusively, that such a provision would work badly in the caucuses of that party, for the reason that it would leave the control of nominations where it always had been, in the hands of the machine. By some it was suggested that the caucus officers should be appointed by the city authorities, as in the case of precinct officers at regular elections. This plan, however, would involve the destruction of party self-government, — a result which the committee were anxious, as far as possible, to avoid. The plan finally adopted by the committee was to have the city committee appoint officers at the first caucuses held under the act. Then, at this first caucus in each ward, and in every subsequent year at the caucus held for the choice of delegates to the State and councillor conventions, the party voters of the ward are to choose a warden, a clerk, and five inspectors, who shall have charge of the party caucus in that ward. These officers may, by a majority vote, choose additional officers to assist them in

holding any caucus. They are also empowered to fill vacancies in their own number. In order still further to guard against "machine rule," it is provided that "no person shall be eligible to the position of warden or clerk who is a member of the ward committee, and no person shall serve as a caucus officer who is a candidate for an elective office or candidate for ward committee."[83]

All of the provisions just described are compulsory upon all party caucuses held in the city of Boston. Inasmuch as there had been no demand for caucus legislation outside of Boston, and one or two other cities, it was thought unwise, by the committee, to make these provisions compulsory upon the rest of the State. At the same time, it was evident there should be some provision for applying the provisions in question to any city or town where a majority of the party voters so desired. If, however, the question of their adoption was left to the party committee, experience here and elsewhere has plainly shown that the new requirements would not be adopted. Accordingly, the act provides that in any city "the city committee of any political party shall, at the request of fifty voters, members of said party, call a caucus or caucuses of said party for the purpose of voting upon the question whether the provisions of this act, as applied to the methods of holding caucuses in the city of Boston, shall be adopted by said political party in said city." Provision is also made for full and proper notice being given of the time and place of holding the caucuses for this purpose. In case a majority of the party voters in any city vote to adopt the Boston provisions, the new requirements must remain in force at least one year. At the end of that time, however, the party voters may, at caucuses held for that purpose and properly advertised, revoke their action, provided two-thirds of those present and voting so determine. The act contains a similar provision in regard

[83] The act also specifies the order of business which shall be followed at caucuses in Boston, and regulates the conduct of the caucus from the opening of the polls until the close of the count. In addition, it is provided that the regular election laws of the State are applicable to the Boston caucuses, unless otherwise specified.

to the acceptance of these provisions by the voters of any party in any town.

18. **Practical Effect of Legislation.** We have now considered the general nature of the laws enacted by the different States for the regulation of party nominations. Into the details of the practical working of these laws it is needless to enter. That the laws have not been enforced in New York and in other States is undoubtedly true, and is certainly to be regretted. The same is true, however, of the laws governing the regular elections in those States. But wherever a necessity has arisen for legislative interference, the honest enforcement of such laws as have been described, has accomplished much in the way of better nominations.[84] The laws passed in the different States to meet particular needs are, without exception, good laws, and ought to be rigorously enforced. Whether they will be enforced depends, as in the case of all laws, upon the efficiency of the government authorities and the strength of public opinion. As has already been stated, the details of the nominating machinery, in any particular region, should be left as far as possible to the party voters themselves; but where experience has plainly demonstrated the futility of other means, the strong arm of the law should be called in, in the interest of good government, to help those who are either unable or unwilling to help themselves.

In closing, it is to be noted that statutory regulation as a remedy for the evil of bad nominations, just as the remedy of

[84] The Massachusetts Caucus Act has, on the whole, been well enforced, and the result has been very encouraging. For instance, in June of the present year (1896), the warden of one of the Democratic caucuses in Boston was sentenced to a term in the House of Correction for a violation of the provisions of the law intended to secure a fair and honest conduct of party caucuses. There is still, however, complaint as to the conduct of the caucuses in Boston. A committee has been appointed by the legislature to investigate, during the present summer, the condition of the Boston caucuses, and to suggest to the next legislature such further changes in the Caucus Act as they may think advisable. The chief ground of complaint appears to be that, in spite of the legal provisions described above, the machine has been able to get control of the "rail" and thus to count in the machine candidates. There remains the remedy of placing the receipt and count of the ballots at all the ward caucuses in the hands of the regular election officers. This arrangement, besides insuring an honest count, would make it easy to prevent voters from taking part in more than one party caucus.

party rules, has its limitations. The law can prevent "snap" caucuses and conventions by requiring proper notice to be given of all such party meetings; it can secure fair and honest conduct of caucuses and primary elections; in short, it can bring it about that the persons nominated by party caucuses and conventions shall be the real choice of the party voters present at the primary meetings; but it cannot prevent the voters who are present and vote at the party primaries from nominating unfit candidates for office. The law can do much, but it can neither compel the so-called "respectable" voters to attend the caucuses of their party; nor can it elevate the moral sense of those who do attend. The only method of accomplishing either of these most desirable ends is by educating the voting population of the country up to a true conception of the duties and responsibilities of American citizenship.

CHAPTER X.

SUPERVISION BY CITIZENS' ASSOCIATIONS: CONCLUSION.

1. **Difficulty of Enforcing Laws.** It is a comparatively easy matter to adopt rules and to enact laws; it is more difficult to secure their thorough enforcement; and nowhere is this better illustrated than in the case of nominations. The State of New York, for instance, has laws upon its statute books governing the conduct of the party primaries, but we have seen that in New York city at least these laws are a dead letter.[1] With Tammany in full control of the municipal police force, this state of affairs was scarcely, perhaps, to be wondered at; but, in any case, the execution of the laws is in the hands of politicians, and the extent of such execution must depend upon the character of those holding elective office. Moreover, the fact that the law must, in most cases, be invoked by the defeated candidate or his friends is in itself an obstacle in the way of such invocation. For such a procedure is likely to be attributed to the chagrin of defeat; further it may bring the party organization into disrepute, and thus injure the chances of party success at the polls. Therefore defeated candidates are deterred from resorting to legal proceedings by the fear of losing party standing.

The enforcement of party rules and statutory regulations relative to nominations must depend, as in the case of all laws, on the sentiment of fairness among the people; i. e., upon the strength of public opinion. But "public opinion" without organization is merely a vague term, and as such has no terrors for the professional politicians. The latter have,

[1] See *ante*, chapter v. §§ 6 and 8.

from the very beginning, recognized the truth of the old adage, that "in union there is strength," and have acted upon it; and the friends of good government, if they desire to attain any permanent success, must adopt the same method. What is needed is the intelligent organization of all public-spirited citizens, — a crystallization of the public opinion of the community into an effective force which those intrusted with the administration of the laws will not dare to ignore. In the present chapter we shall consider such associations of citizens and their influence on nominations for municipal office.

2. **Citizens' Movements and Tickets.** The divorce of national and State politics from local affairs, as a remedy for bad nominations, has already been considered, in a general way, in a former chapter.[2] Such a separation is quite common in New England; and citizens' movements and "citizens' tickets" are frequently met with, especially in the smaller cities and in the towns.[3] But this conduct of municipal campaigns on local issues rather than on national party lines is comparatively rare in other parts of the country; yet it is certainly a long step in the direction of good city government, and one which, with the growth of public sentiment, bids fair to be gradually adopted in all of our large cities.

Citizens' movements, especially in the larger cities, often lack permanence and coherence, in many cases partaking more of the nature of sudden outbursts of popular indignation at existing mis-government, than of the calm and steady flow of a healthy public sentiment. They may be divided into two classes, — (1) temporary associations nominating candidates of their own, of which the Philadelphia "Committee of One Hundred" and the New York "Committee of Seventy" are types; and (2) permanent organizations selecting a ticket from the candidates already nominated by the regular parties, making nominations of their own only in cases of actual necessity, of which latter class the "Library Hall Association" of Cambridge, Mass., is an example.

3. **The Philadelphia "Committee of One Hundred."** The "Committee of One Hundred," an example of the class of temporary

[2] Chapter vii. § 13.

[3] See Appendix B.

associations, was organized in the fall of 1880, as a result of general dissatisfaction regarding the administration of the municipal government,[4] under the dictation of the notorious "Gas Ring."[5] The movement received its inspiration from the election, in November, of the Democratic candidate for city comptroller by a combination of the better elements of both parties against the candidate put forward by the county Republican machine, which, up to that time, had had absolute control of the municipal government. Inspired by this success, a few days after the election a mass meeting of the Republican merchants of the city voted to establish a committee consisting of one hundred business men, to take charge of the work of municipal reform.

This "Committee of One Hundred" met in December, 1880, and adopted a constitution. The preamble was as follows:

> The undersigned, having in view the dangerous extent to which municipal evils have been increasing for many years past, hereby form themselves into an association for the following objects, viz.:
>
> First, — To maintain the purity of the ballot.
>
> Second, — To secure the nomination and election of a better class of candidates for office.
>
> Third, — To prosecute and bring to punishment those who have been guilty of election frauds, maladministration of office, or misappropriation of public funds.
>
> Fourth, — To prevent objectionable legislation and aid in procuring such as the public demands.
>
> Fifth, — To advocate and promote a public service based upon character and capability only.[6]

The Committee of One Hundred was a "close" body, electing its own members, as vacancies occurred, and was officially responsible to no one. The constitution, however, contained rigid requirements in regard to the election of new members;

[4] *Report of the Work of the Committee of One Hundred* (Philadelphia, 1884), 4.

[5] For a short history of the Gas Ring, see Bryce, *American Commonwealth* (2d ed.), II. 367–84.

[6] *Articles of Association of the Citizens' Committee of One Hundred*, adopted March 21, 1881, Art. 4 (pamphlet published in 1883).

and also the significant provision that "no person holding any important office of emolument under the National, State, or City government, nor any member of city council, shall be eligible for membership; and any member becoming a candidate for any of these offices, shall thereupon cease to hold office in this committee, or serve on any of its sub-committees, and upon being elected shall cease to be a member of the Committee."[7]

Nominations for membership were required to be made in writing to the executive committee, which committee, after "careful examination and inquiry as to fitness," was to report to the whole Committee of One Hundred such as were approved. Five negative votes were sufficient to defeat a nomination in the executive committee, and a three-fourths' vote of the members present at a meeting of the general committee was required to elect a nominee to membership.

Provision was also made for the appointment of certain sub-committees, among others an executive committee, a campaign committee, a committee on ward organization, and a committee on the prosecution of frauds.[8] The executive committee, which consisted of thirty members, also appointed sub-committees, among which may be mentioned the committee on legislation and the committee on municipal abuses.[9]

The "Declaration of Principles," adopted by the committee, advocated civil service reform for all municipal offices, and declared that the "government of the city in all its departments should be a model of efficiency and economy,"[10] and that to this end municipal affairs should be conducted on business principles, and that fitness, and not party allegiance, should be the sole test for office.

A full account of the excellent work done by the committee on the prosecution of frauds in the famous Gas Ring suit, and in the prosecution of election frauds, and by the committee on legislation in securing a sweeping reduction in the

[7] *Ibid.*, Art. II.

[8] *Ibid.*, Art. IV. of the Constitution, 5, 6 (Pamphlet of 1883).

[9] *By-laws of the Executive Committee of the Committee of One Hundred*, 15.

[10] *Ibid.*, 8.

salaries paid to city and county officers, may be found in the report of the committee published in 1884. What concerns us most here is the work done in regard to the nomination of candidates.

Immediately after its organization the Committee began the campaign for the municipal election to be held in February, 1881, at which a mayor, a receiver of taxes, and a city solicitor were to be chosen. The Committee of One Hundred passed a resolution that they would support no candidate unless he would sign the "Declaration of Principles" already referred to. The Republican municipal convention nominated Mr. Stokley for mayor, and the Committee of One Hundred, which was composed entirely of Republicans, indorsed him; but when it was discovered that, at the dictation of the Gas Ring, Mr. Stokley refused to sign the Declaration, the Committee withdrew its indorsement, and gave the Democratic party to understand that an honest and capable candidate, nominated by that party, would receive its support. Mr. King was thereupon nominated, against the wishes of the machine politicians, and received the promised indorsement. For the important office of receiver of taxes, the Republican convention had nominated an unknown man, a tool of the Gas Ring; the Committee of One Hundred therefore nominated a Republican candidate of their own, — Mr. Hunter. A vigorous attempt by the better element of the Democratic party to secure an indorsement of Mr. Hunter's nomination by the Democratic convention having failed, the Hunter delegates "bolted," and nominated him as an Independent Democratic candidate; but, subsequently, the regular Democratic candidate withdrew, so that the contest lay between the "regular" Republican candidate and the candidate of the Committee of One Hundred. After a very exciting campaign, the Committee was victorious; Mr. King, the candidate who had received its indorsement, was elected mayor by 6,000 majority, while Hunter, their own candidate for receiver of taxes, received 20,000 majority over the candidate of the machine.

As a result of this victory, the Committee was enabled to make an investigation of the administration of the city's

affairs under the Gas Ring, and discovered an appalling condition of fraud and corruption. During the next two years the Committee indorsed or recommended candidates at the November and February elections with varying success, their method being to send to every voter a copy of their "ticket," and to take care that all those in sympathy with them voted on election day. As a rule, the Committee's efforts were more successful when they indorsed candidates already nominated, than when they recommended candidates of their own. Finally, however, in 1884, all the candidates recommended by the Committee were defeated at the polls. This result was due partly to the influence of national issues upon the election, and partly to the dislike of the rank and file of the party voters for the dictation of a select and self-perpetuating oligarchy. As a result of this defeat, the Committee of One Hundred dissolved, expressing the hope that the officials who had been elected on professions of reform would carry out their pledges, and give the city an honest and capable administration. The Committee, in its last report, gave notice of its dissolution in the following words:

> After laboring in an organization in which political sacrifices have been severe and personal political advantages have been by law forbidden, the members of the body can under these circumstances with propriety relinquish these gratuitous efforts, giving to the new officials, if sincere, every possible assistance as individuals, while the unprecedented success which the independent voters have attained should encourage them to assert themselves further, until a fairly honest and business-like management of the city shall be secured.[11]

The work of the Philadelphia Committee of One Hundred offers a novel and effective method of dealing with the evils of municipal government. Such an association, however, ought to be permanent. The great trouble with the Philadelphia association was that it was not organized on a sufficiently democratic basis to retain long its influence in a democratic community such as ours.

[11] *Report of the Work of the Committee of One Hundred* (Philadelphia, 1884), 4.

4. **The New York Committee of Seventy.** The history of the events leading up to the formation of the Committee of Seventy, and the work accomplished by that remarkable organization in New York city, has been admirably told by the leader of the movement.[12] For our purposes a brief summary will suffice.

In 1892, Dr. Parkhurst secured the appointment of a legislative committee to investigate the condition of affairs in New York city. This committee is commonly known as the "Lexow Committee," from the name of its chairman. As its work progressed, new evidences of corruption were constantly brought to light, until, by the close of the summer of 1894, the people of New York city were at length aroused to the necessity of immediate action. The Democratic opponents of Tammany, however, were divided into factions; the Republican party was also far from being united; and with more than one reform ticket in the field, Tammany was sure to win the election.

Under these circumstances, a call was issued by thirty-three prominent men for a meeting of citizens, irrespective of party, to be held at Madison Square Garden Concert Hall, early in September.[13] At this meeting, which was attended by several hundred citizens, an "Address to the People of the City of New York, regardless of Party," was drawn up, calling upon the citizens "to rise above partisanship to the broad plane of citizenship and to unite in an earnest demand for the nomination and election of fitting candidates, whatever their national party affiliations, and to form a citizens' movement for the government of the city entirely outside of party politics, and only in the interest of efficiency, economy, and public health, comfort, and safety." By vote of the meeting, the chairman appointed a committee of seventy "with full power to confer with other anti-Tammany organizations, and to take such action as may be necessary to further the objects of this

[12] See *Our Fight with Tammany*, by Rev. Charles H. Parkhurst, D. D. (N. Y., 1895).

[13] Among the signers of this call were William L. Strong, Charles S. Smith, and Cornelius Vanderbilt.

meeting as set forth in the call therefor and the address adopted by this meeting."[14]

This "Committee of Seventy" represented every shade of opinion in national politics and all classes of people, in which respect it differed widely from the Philadelphia Committee of One Hundred. An executive committee and a finance committee were appointed, care again being taken to give representation to all the different wings of the reform movement. The committee adopted a platform in which they laid down the fundamental proposition that "the economical, honest, and business-like management of municipal affairs has nothing to do with questions of national or State politics."[15]

The executive committee appointed a sub-committee to confer with the representatives of the regular anti-Tammany organizations, on the best policy to secure the united effort which could alone insure success. Finally, the executive committee nominated candidates for the offices of mayor, president of the board of aldermen, judge of the superior court of the city of New York, sheriff, recorder, and coroner.[16] The candidate for mayor and one coroner were Republicans, all the rest being Democrats. The nominations thus made were approved by the whole committee, and finally by all the anti-Tammany organizations. The campaign, the management of which was in the hands of a committee composed of the members of the executive and finance committees, was a most spirited one from start to finish, and resulted in a victory for good government. All the committee's candidates were elected by majorities ranging from 45,000 to 55,000.[17]

After securing the passage through the State legislature of certain reforms in the city charter, and having seen the wheels of the new government fairly started, the Committee of Seventy dissolved itself in June, 1895. There ought, however,

[14] *Our Fight with Tammany*, 259. [15] *Ibid.*, 260.

[16] Each candidate expressly pledged himself to be bound by the principles of the platform.

[17] *World Almanac*, 1895, 416. Previous to the election, paster ballots, with the names of the Committee's candidates in combination with the candidates of the regular parties for State offices, were sent by mail to the voters, and were also distributed at the polls on election day, by members of the good government clubs.

to be, in New York as well as in other large cities, a permanent organization based on the same broad and liberal lines.

5. **The Library Hall Association of Cambridge, Massachusetts.** In the city of Cambridge, Massachusetts, since 1867, with the exception of three years, nominations for municipal office have been made entirely without reference to national politics. In each of the three exceptional years the candidate receiving a straight party nomination obtained a non-partisan nomination in addition. Caucuses for the nomination of candidates for municipal office have been sometimes called by a self-constituted committee of citizens, but more commonly by the chairman and secretary of the previous year's municipal convention of some one of the local parties.

Of the four different local organizations which have been formed outside of national party lines, the "Temple Hall Party," which takes its name from the meeting place of its first convention, has enjoyed a remarkable degree of permanence, having been organized in the early seventies by citizens without regard to national politics. The "Citizens' Party" and "People's Party" are both of more recent origin than the "Temple Hall Party," and lack the strength and coherence of that organization. The fact that Cambridge, for the past twenty-seven years, has enjoyed a non-partisan municipal government, and is to-day, by impartial observers, considered the best governed city of its size in the United States, affords a fair test of the wisdom and effectiveness of the absolute separation of national and State politics from the conduct of municipal affairs, as a remedy for the evils at present complained of in our large cities.[18]

Coming now to the Library Hall Association, it may be well to give a somewhat detailed history of its organization as illustrating the manner in which such movements start. In 1889,[19] a number of the citizens of one of the wards, being dis-

[18] It is worthy of note, that for State and national elections there are regular city committees of both the Republican and Democratic parties, but they take no part in municipal elections, the municipal campaigns being conducted by special campaign committees of the various local parties mentioned in the text.

[19] Previous to this in 1884, at a municipal convention of the Temple Hall Party, a resolution was passed "that a committee of five be appointed by the chair to

satisfied with the candidates for the Common Council nominated by the Temple Hall party, held a meeting in the quarters formerly occupied by the Public Library, to which citizens of other parts of the city were invited.[20] This meeting appointed a committee of three from each of the five wards to issue invitations to twenty prominent citizens from each ward to attend another meeting for the purpose of presenting an independent citizens' ticket at the polls. At this meeting the merits of the candidates nominated by the different municipal conventions, were discussed, and an aldermanic ticket indorsed. Also the delegations from the different wards agreed on common council tickets for their respective wards. The meeting also nominated a campaign committee, consisting of twenty-five from each ward. Cards bearing the names of all the candidates indorsed at this meeting were distributed to the voters at the polls. At the head of each card was printed the question, "Will you help us to secure good government by voting for the following candidates?" As a result of the election, 9 out of the 10 candidates for aldermen, and 18 out of the 20 candidates for the common council, presented by the Library Hall meeting, were elected. There was no contest for mayor.

Encouraged by this remarkable success, the campaign committee, shortly after the election, sent out the following circular to citizens in all parts of the city:

DEAR SIR, — The experience of recent years has fully manifested the unfitness of a miscellaneous citizens' caucus to judiciously select candidates for our municipal offices. In the ordinary caucus, composed

take steps during the coming year to form a permanent citizens' committee of from fifty to one hundred residents and tax-payers of this city to be chosen with reference to equal representation of political parties and to act from year to year in the interest of non-partisan good government." The committee was appointed and held several meetings, but no one being found who was willing to devote the time necessary to perfect the organization, the matter fell through.

[20] The invitation read as follows: "You are respectfully invited to attend a conference of citizens of Cambridge who are dissatisfied with some of the nominations made at the Temple Hall Convention." In the case of candidates for the Common Council a number of new men were nominated by these private ward caucuses.

as it has been of men with widely divergent views, those persons having no personal or selfish object to secure have often been at the mercy of a small but well organized body of men intent upon securing the nomination of their friends regardless of their qualifications. Under the most favorable conditions, such meetings have not infrequently resulted in some compromise by which unfit men have been placed upon the same ticket with good men. It is proposed to form an association of voters without regard to political preferences, religious opinions or nationality, who shall every year select proper candidates, whether members of the Association or not, and submit them to the people for their approval. The experience of the present year has fully shown that such a course of action will result in securing better candidates than was possible under the old system. As, under the present ballot law,[21] all candidates can stand upon an equality before the people, such an association can be successful only by putting forward candidates of superior qualifications.

In pursuance of the instructions of the conference held in Library Hall, previous to the last municipal election, the undersigned hereby invite you to attend a meeting at Library Hall, Main Street, corner Temple, Cambridgeport, Wednesday, December 18, at 8 P.M., to consider the advisability of forming such an association.

A printed copy of the By-Laws prepared by the Executive Committee of the Library Hall conference, will be presented for consideration, and if the meeting so determines, the organization will be completed by the election of officers.

If you are unable to attend, but are in sympathy with the object of the proposed organization, please so inform the secretary.

The by-laws adopted at the ensuing meeting are, with one or two trifling amendments, still in force at the present time; the object of the association is stated to be fourfold: first, "to secure the nomination and election of proper candidates for municipal offices;" secondly, "to procure the punishment of all persons who may be guilty of election frauds, maladministration of office, or misappropriation of public funds;" third, "to advocate and promote a public service based upon character and ability only;" and fourth, "to promote intelligent discussion of municipal affairs by the publication and distri-

[21] I. e., the Australian Ballot Act.

bution of reliable information in relation thereto."[22] Any citizen of Cambridge is eligible to membership in the association. Candidates for membership may be proposed at any time, and, if approved by three-fourths of the executive committee, can qualify, as members, by signing the by-laws and paying the admission fee of one dollar. The present membership of the association is 442.

It is also provided that the executive committee "shall investigate charges of misconduct against any member of the Association, and report to the Association such recommendations as they may deem desirable in relation to the same."[23] Such member may be expelled by a three-fourth's vote of the members of the association, present at any meeting, an opportunity being given him to be heard in his own behalf. The by-laws also provide that "no person holding any salaried position under the national, state, or city government, and no member of either branch of the city Council shall be eligible for election to any office of the association."[24] Meetings of the association must be held on the last Monday in October, December, and March, and special meetings may be called by order of the executive committee, or upon the written request of ten members. The secretary is required to mail to each member a printed notice of the time and place of every meeting.[25]

Coming now to the practical working of the association, the first thing to be noted is its democratic character as compared with the Philadelphia Committee of One Hundred. In Philadelphia it will be remembered the preliminary meeting of business men vested the sole power of making nominations in the hands of the Committee of One Hundred, — a self-perpetuating body, composed exclusively of Republicans, membership in which was limited and exceedingly difficult of attainment. On the other hand, in Cambridge, any citizen

[22] By-Laws, Art. II. [23] By-Laws, Art. III.

[24] *Ibid.*, Art. IV. The officers of the association consist of a president, five vice-presidents, one from each ward, a secretary, a treasurer, three auditors, and an executive committee composed of five members from each ward.

[25] By-Laws, Art. VI.

who is known to believe in conducting the affairs of the city on business principles is reasonably sure if he so desires, to be elected a member of the Library Hall Association.[26] The most striking thing about the whole system is that, although the executive committee has more or less power in the way of organization and campaign work, the power of making nominations is not assumed by the association, except in rare instances; it only selects from the tickets already nominated. About four days before the last day for filing nomination papers for the city election, a special meeting of the Association is called for the purpose of considering the merits of the candidates nominated by the different caucuses and conventions.[27] An admission ticket is sent to each member of the association and to each newspaper reporter; and no one without a ticket is admitted to the hall where the meeting is to be held. For the convenience of the members, the Secretary of the Association, before the meeting, prepares ballots containing the names of each candidate known to have been nominated, his residence, occupation, and the party or persons by whom he has been nominated. The names of the candidates for mayor and aldermen are read by the President, and their qualifications are discussed by the members, after which a ballot is taken, each member marking a cross against the name of the persons for whom he desires to vote. The candidates receiving the highest number of votes are declared to be indorsed by the Association, and nomination papers stating that fact are signed by the required number of voters, and filed with the city clerk.

Previous to the consideration of candidates for mayor and aldermen, the members of the Association from each ward get together and, after a discussion, ballot for candidates for the Common Council from their ward. The candidates receiving the highest number of votes are then recommended to the

[26] I. e., unless the number of members at any time gets to be so large that any further increase would be detrimental to the effective carrying out of the work of the Association.

[27] Documents illustrating the practical working of the Association will be found in Appendix H.

whole Association for indorsement, and are usually indorsed as a matter of course. Inasmuch as the Library Hall Association, as a rule, simply indorses candidates already nominated, the principal part of the campaign work is left to the party making the nominations. A campaign paper, however, is issued every year, containing a brief biography of every candidate receiving the Library Hall indorsement, a copy of which is mailed to every voter in the city. In addition, until recently, cards containing the names of the Library Hall candidates were distributed at every polling place on election day. Finally, for the last two years, the Association has caused to be compiled and published in the local newspapers a record of each individual member of the City Council, giving his attendance at committee meetings as well as at meetings of the Board of Aldermen or Common Council, as the case may be, together with the record of his votes upon all matters on which there was a division. This unique departure ought certainly to prove a most potent factor in insuring the continuance of good municipal government.

On the whole, the efforts of the Association have met with a remarkable degree of success. In 1890 the Association, at the last moment, put into the field a candidate of its own for mayor, but, owing perhaps to the shortness of the time, he was defeated. The next year there was no contest for the mayoralty; in 1892, 1893, 1894, and 1895, the candidate indorsed by Library Hall was elected. In regard to aldermen, in 1890, 7 out of the 10 candidates indorsed by the Association were elected; in 1891, 7 out of 8 were elected; in 1892 and 1893, 9 out of 11; and in 1894 and 1895 the entire eleven indorsed were successful at the polls. In regard to the Common Council, the record is still more remarkable. In 1890, 1891, 1893, and 1894, 18, in 1892, 17, and in 1895, 19 out of the 20 candidates receiving the Library Hall indorsement were elected.[28]

[28] I am indebted for these figures, as well as for data concerning the history of the Association, to Mr. George G. Wright, who has served as its secretary from its organization, and to whose devoted and untiring work the success of the Association has been very largely due.

The danger of such an organization as the Library Hall Association is that unscrupulous men may obtain control of it and use it for the advancement of their own selfish ends, as has been the case with the regular party organizations in New York city. This evil is to some extent guarded against by the general understanding that the members are not bound by the action of the association if opposed to their conscience or judgment.[29] Moreover, the broadness and impartiality of the Association is another safeguard against management for selfish ends. This was remarkably displayed in 1892, when a candidate for mayor, who was not a member of the Association, received its indorsement as against a candidate who, at the time, was a member of the executive committee. Again, the danger that on account of the temptation afforded by its great weight the indorsement of the association may be obtained for certain candidates by unfair means, is guarded against by the fact that newspaper reporters are always present at the nomination meeting, and accounts of the proceedings are published in the Boston and Cambridge papers. Finally, the evil of log-rolling, previous to the meeting, is largely avoided by the fact that no one except the secretary and treasurer has access to the list of members of the Association.

It is for these reasons, and because of its democratic character, that the Library Hall Association has been so successful in its work. Although it does not, as a rule, nominate candidates of its own, nevertheless the desire to obtain its indorsement stimulates the different local parties to nominate their best men. In some quarters it is still denounced as an aristocratic club of wealthy men who presume to dictate nominations to their fellow-citizens; but such a charge is not borne out by the facts. A large and constantly-increasing number of the tax-paying voters of the city usually vote for the Library Hall candidates. Although most of them are not themselves

[29] Therefore the obtaining by a candidate of a bare majority at a meeting of the members affords no certainty that he will secure the votes of all the members at the polls. For instance, in 1892 the friends of a certain candidate for mayor who failed to get the indorsement of Library Hall, although they were members of the Association, nevertheless nominated him independently, and worked for him at the polls against the candidate who had received the indorsement of the Association.

members of the Association, they have implicit confidence in those who, as members, are willing to give their time and money to the cause of good government.

6. **Other Citizens' Associations.** At the present time (1896) there are forty-five municipal reform organizations of a local character in the United States known to the writer. Many of these, however, take no part in the nomination of candidates, such action being expressly forbidden in many of the constitutions. Their activity is devoted chiefly to watching the administration of the city government in the interest of the tax-payers, and to prosecuting dishonest and corrupt officials. Several of them, however, resemble the Cambridge Library Hall Association in indorsing, occasionally at least, candidates for office.[80]

One of the most recent associations organized for the purpose of securing better nominations for municipal office is the Municipal League of Boston. The movement which led to the formation of this organization sprang from the Pilgrim Association, — a religious society composed of members of the Congregational Church. Eleven other religious, philanthropic, and civic organizations (including such organizations as the Unitarian Club, the Catholic Union, the Massachusetts Society for Promoting Good Citizenship, &c.) agreed to send representatives to the first meeting to be held November 9, 1893, and an invitation setting forth this fact was sent to prominent men in all parts of the city. The constitution adopted at this first meeting is similar, in its main features, to that of the Cambridge Library Hall Association. In addition to the objects named in the latter, the constitution of the Boston Association names the "separation of municipal politics from

[80] Such, for example, are the Municipal League of Boston, Massachusetts, the City Club and the Council of Good Government Clubs of New York city; the Good Government Club of Yonkers, New York; the City Club of New Brunswick, New Jersey, the Citizens' League of Camden, New Jersey, the "Civic Federations" of Detroit and Chicago; and the Municipal League of Philadelphia (organized in 1891). The Citizens' League of New Rochelle, New York, and one or two other associations, nominate tickets of their own. For a more complete account of these associations the reader is referred to *Proceedings of the National Conference for Good City Government* (Philadelphia 1894), 303–40.

State and National politics," a difference made necessary by the fact that in Boston municipal politics are unfortunately still conducted on party lines. The membership is limited to 200; and it is provided that "preference shall be given to members of our existing religious, civic, philanthropic, business, and labor organizations." It is further provided that "there shall be no conditions of race or creed," but all in sympathy with the purposes of the league shall be alike eligible to membership. Section 7 of the constitution is rather novel. It is as follows:

> Inasmuch as the league can be a power for good only as its acts appeal to the good judgment of our fellow-citizens, the league shall not be committed to any public position without the vote of three-fourths of the members present; and no action of the league shall be considered as binding upon any individual member.[31]

It is evident, from what has been given, that the new Boston association differs, on the one hand, from the "Municipal League" of Philadelphia, to which every citizen who subscribes to the declaration of principles is admitted, and on the other hand, from the New York "City Club," which has a club-house, and is more like a social organization.[32]

7. **Conclusions in Regard to Citizens' Associations.** There can be no doubt but that such associations as have been described act as a valuable balance-wheel in our municipal nominations, and aid to secure the choice of good men. The indirect effects of their action are, perhaps, even more important. By bringing together a body of citizens interested in municipal affairs, they serve to concentrate public opinion in the most effective form. Moreover, by their discussions of municipal problems, by their exposure and prosecution of all kinds of fraud and corruption in the public service, and by the publi-

[31] The constitution is to be found in the *Boston Herald* and *Journal* of December 15, 1893. It has since been published in pamphlet form, for distribution among the members.

[32] At the last municipal election the league took no action whatever in regard to the nomination or indorsement of candidates, having confined itself, since its organization, to an effort to bring about certain changes in the Boston city charter.

cation of the records and qualifications of the different candidates, they serve to educate the public sentiment of the entire community.[33] Since the only certain and ultimate remedy for existing evils is to be found in an increasing interest on the part of the average citizen in public affairs, and in compelling party leaders to pursue open methods, such associations are perhaps the most effectual means of securing proper nominations. Two national conferences have been held, in 1894 and 1895, of delegates from the different municipal reform associations of the country, at which the delegates discussed different methods of work, and at which papers were read on subjects of common interest. Such conferences evidence a general awakening of our citizens to the need of reform, particularly in our municipal governments, which is a propitious sign for the future of republican government.

8. **The Question of Nominations Summarized.** It is plainly evident, as shown both historically and by present practice, that some system of nomination of candidates previous to election is necessary. We have seen that the present system, with its two component parts, the primary and the convention, has had a most natural genesis and development, — the primary being simply the town-meeting, and the convention the legislative assembly applied to party nominations. At any rate, no acceptable substitutes have hitherto been proposed; all practicable suggestions have related to changes in the details. Moreover, as we have seen, the most successful municipal reform movements have been based on the indorsement of candidates nominated in the usual way, by regularly organized parties.

In short, the present system of nomination has come to be as firmly intrenched in the minds and habits of the American people as representative government itself. It is a system which contains within itself a sufficient check on party leaders, if the voters will only avail themselves of it; it has, on the

[33] Most of these associations, in addition to their political work in regard to nominations, have numerous and varied fields of activity. For instance, the Civic Federation of Detroit has departments of Education, Philanthropy, Morals, Industrial Work, Temperance, Social Evils, Legislation, Conferences, and Tenements.

whole, worked well in the past; it is in many places working well to-day; and it can be made to work well everywhere. The existing evils, particularly in the cities, which have been described somewhat at length, are not inherent in the present system, but, on the contrary, are the results of a direct violation of its fundamental principles. To say that the political condition in New York city under the Tammany oligarchy, or under the Republican machine, is due to the caucus and convention system of nomination, is equivalent to saying that the Central American dictatorships are the natural results of the principles of republican government. Both are due to the prostitution of correct principles to selfish ends, and should be treated accordingly.

Looking at the matter calmly, in the light of history, there is no occasion for despair, no room for political pessimism. As in every other walk of life, there is work to be done, and plenty of it. Three reforms are urgently needed: a diminution in the number of elective offices; the absolute separation of national and State politics from local affairs; and, above all, the eradication of the spoils system in the public service, and the consequent destruction of the class of professional politicians. These reforms, combined with the establishment of wise party rules and honestly enforced statute laws, will do much to make our present system of nomination work satisfactorily where now it seems to fail. In order, however, to attain any lasting success, there must be, in addition, a thorough arousing of public interest by education and by intelligent organization. Thus only will bad nominations, and the tacit consent of the voters to the selection of unworthy candidates, be finally and permanently removed.

APPENDICES.

APPENDIX A.

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APPENDIX B.

FORMS USED IN CAUCUSES.

I.

Facsimile of call for the Republican Caucuses held in Cambridge, Mass., Sept. 17, 1896. This call was posted in conspicuous places in different parts of the city. A copy of the call was also published in the local newspapers.

REPUBLICAN CAUCUSES.

The enrolled Republicans, and other qualified voters of Cambridge, who intend to enroll as Republicans at the within named caucuses, in accordance with the rules adopted by the Republican City Committee, are requested to meet on

THURSDAY EVENING, SEPT. 17, 1896

AT 7.30 O'CLOCK, AS FOLLOWS:

Such voters of Wards 1 and 3 will meet in their respective Ward Rooms; those of Ward 2 in Temple Hall; those of Ward 4 in Citizens Trade Association Hall, 634 Massachusetts Avenue; those of Ward 5 in Odd Fellows Hall, to choose Delegates to the State, Congressional, Councillor, County and Senatorial Conventions, and to elect from each Ward, seven members to serve upon the Ward and City Committee for the year 1897.

Ward 1 is entitled to 8 Delegates.
Ward 2 is entitled to 11 Delegates.
Ward 3 is entitled to 4 Delegates.
Ward 4 is entitled to 11 Delegates.
Ward 5 is entitled to 6 Delegates.

To each of the above named Conventions.

Also to nominate in Wards 1, 2, 3, 4 and 5, Candidates for Representatives to the General Court.

Ward 1 is entitled to 1 Candidate.
Ward 2 is entitled to 2 Candidates.
Ward 3 is entitled to 1 Candidate.
Ward 4 is entitled to 2 Candidates.
Ward 5 is entitled to 1 Candidate.

Also for the transaction of any other business that may properly come before said Caucuses.

These Caucuses are to be held in accordance with the provisions of the Election Act of 1895, and will be called to order by the Chairman of the Ward Committee, or in his absence by some other member of said Committee.

For Rules of the City Committee adopted for the conduct of the said Caucuses see the local Newspapers of date of September 12, 1896.

CHARLES W. CHENEY, President.

THORNDIKE SPALDING, Secretary,

Cambridge Republican City Committee.

Headquarters, Prospect House, 622 Massachusetts Avenue.

Cambridge Press Job Print.

II.

Ticket used at the Republican Caucus held in Ward 5, Cambridge, Sept. 17, 1896. This ticket was made up at a meeting of some of the representative men of the ward.

Ward 5 Republican Caucus.

SEPTEMBER 17, 1896.

TEAR OFF THE SLIPS AND DEPOSIT THEM SEPARATELY IN THE BOXES PROVIDED THEREFOR.

State Delegates.

David T. Dickinson
George A. Allison
Randolph C. Surbridge
John E. Parry
John J. Henderson
Frank E. Sands

Congressional Delegates.

Otis S. Brown
Walter H. Lerned
P. J. McElroy
Silas E. Buck
Andrew J. Lovell
James A. Wood

County Delegates.

Frank E. Sands
Fred D. Norton
Albert S. Apsey
Herbert W. Hayes
C. Burnside Seagrave
Charles H. Fosgate

Councilor Delegates.

Frank Foxcroft
Randolph C. Surbridge
Otis S. Brown
Adoniram J. Littlefield
Parker F. Soule
Albert S. Apsey

Senatorial Delegates.

Arthur E. Denison
Leroy S. Brown
Charles F. Stratton
Frederick Worcester
William F. Stark
O. Elliot Smith

Ward and City Committee.

Randolph C. Surbridge
David T. Dickinson
Albert S. Apsey
Albert H. Hall
George V. S. Michaelis
Robert A. Parry
Charles H. Fosgate

Representative Fifth Middlesex District.

David T. Dickinson

III.

Ticket for Delegates to the State Convention, used at the Republican Caucus held in Ward 4, Cambridge, Sept. 17, 1896.

FOR DELEGATES TO

REPUBLICAN STATE CONVENTION.

CHARLES W. CHENEY.
JOHN D. BILLINGS.
BARTHOLOMEW M. YOUNG.
GEO. S. EVANS.
JAMES W. COLEMAN.
ALBERT L. NORRIS.
CHARLES W. THIERY.
WILLIAM J. A. SULLIVAN.
CHARLES F. WYMAN.
OSCAR A. LUNDGREN.
CHARLES WAUGH.

IV.

Ballot used at the Republican Representative Caucus held in Ward 2, Cambridge, Oct. 10, 1892.

WARD II.

FOR REPRESENTATIVES.

GEORGE CLOSE,
DAVID T. DICKINSON.

V.

SENATORIAL CREDENTIAL.

THIRD MIDDLESEX DISTRICT.

This is to certify that at a Caucus of the Republican voters of Ward....., *Cambridge, held on* .....*Evening,*.....189....., *Mr.* .....*was elected a delegate to the Senatorial Convention, to be held in Ward Room, Central Square Building, Cambridge, on* .....189....., *at*..... *o'clock,*.....

.....*Chairman.*

.....*Secretary.*

I hereby appoint.....
to act in my capacity at the above convention.

.....Delegate.

NOTE. — The endorsement by a delegate of his credential to some one else is now prohibited by the Massachusetts Caucus Act of 1895.

VI.

"Ticket" distributed to the voters at the town meeting held in the town of Leicester, Mass., March 5, 1894. This ticket was made up at a preliminary meeting or "parlor caucus."

CAUCUS TICKET.

For Selectmen.

WILLIAM A. BELL.
ALBERT E. SMITH.
JOHN W. BOARDMAN.

For Assessors.

CHARLES M. MARSH.
GEORGE E. STIMPSON.
JAMES L. GALLAGHER.

For Overseers of Poor.

JAMES L. GALLAGHER.
DAVID A. BOYD.
A. B. KENNEDY.

For Auditor.

PARKMAN T. DENNY.

For Treasurer.

J. CLARENCE WATSON.

For Collector of Taxes.

AMOS A. GOULD.

For Constables.

AMOS A. GOULD.
FRANK SEVEY.
JOSEPH GIBBS.
MATTHEW TRAINOR.
HUGH J. RICE.
JOSEPH CONE.
A. B. KENNEDY.
L. B. DAVIS.

VII. Official Ballot used at the Republican Caucus held in Ward 25, lian Ballot System to the conduct of caucuses under party rules. Ward tions as delegates to the different conventions.

WARD

THE OFFI

OF

REPUBLICAN CITY COM

To vote for a person, mark a cross X

If a candidate receives more than one vote on this ballot,

For Delegates to the STATE CONVENTION.

Vote for Nine

J. HARRIS AUBIN	
CHARLES H. DIMOCK	
BENJAMIN M. FISKE	
GRANVILLE A. FULLER	
JAMES W. HARVEY	
IRA HARRIS	
HENRY W. LONGFELLOW	
CLARENCE W. SANDERSON	
HENRY M. WILD	

HOMER ROGERS	
JAMES W. HARVEY	
CLARENCE W. SANDERSON	
LOUIS MONTO	
SAMUEL H. MITCHELL	
ROBERT HOOKER	
HENRY M. WILD	
FRANK H. HOWE	
FRANK G. NEWHALL	

THIS DELEGATION IS UNPLEDGED.

HOMER ROGERS	
GRANVILLE A. FULLER	
JAMES W. HARVEY	
FREDERICK EATON	
FRANK G. NEWHALL	
FREDERICK HAMMOND	
HENRY P. GOODENOUGH	
SAM W. MANNING	
D. OTIS SANGER	

For Delegates to the COUNTY CONVENTION.

Vote for Nine

WILL S. FULLER	
CHARLES P. HARDING	
WILLIAM E. HIBBARD	
HOMER ROGERS	
JOHN W. HARVEY	
GEORGE A. NUTE	
EUGENE A. REED, JR.	
FRANK G. NEWHALL	
JAMES W. SHAPLEIGH	

GEORGE E. BROCK	
AMOS P. SARGENT	
CHARLES E. HOLMAN	
ROBERT HOOKER	
FREDERICK EATON	
AUSTIN BIGELOW	
HENRY M. WILD	
FRANK H. HOWE	
EUGENE A. REED, JR.	

FREDERICK HAMMOND	
HENRY M. WILD	
CHARLES E. HOLMAN	
ROBERT HOOKER	
WALTER F. PILLSBURY	
PALMER L. GUPTILL	
JAMES E. GALLAGHER	
ISAAC W. WARREN	
JOEL W. BENT	

Boston, Sept. 22, 1893. This illustrates the application of the Austra-
25 is a Republican Ward, and hence we find many candidates for posi-

25.

CIAL BALLOT

THE

MITTEE, OF BOSTON.

in the square at the right of the name.

but one vote for such candidate shall be counted.

For Delegates to the COUNCILLOR CONVENTION. Vote for Nine		For Delegates to the SENATORIAL CONVENTION. Vote for Nine	
HOMER ROGERS		JAMES J. WINGATE	
GRANVILLE A. FULLER		BENJAMIN M. FISKE	
FRANK G. NEWHALL		CHARLES P. HARDING	
FREDERICK HAMMOND		MARK A. WATERHOUSE	
EDWIN T. KNOWLTON		CYRUS E. MARSHALL	
SAMUEL H. MITCHELL		GEORGE B. LIVERMORE	
FRANK W. MOORE		WILLIAM SCOLLINS	
CHARLES H. DANA		CHARLES T. STETSON	
JOSIAH RHODES		J. HARRIS AUBIN	
WILLIAM E. HIBBARD		JAMES I. WINGATE	
FRANK H. HOWE		BENJAMIN M. FISKE	
WILLIAM M. FARRINGTON		GEORGE B. LIVERMORE	
JAMES W. SHAPLEIGH		MARK A. WATERHOUSE	
GEORGE A. NUTE		CYRUS E. MARSHALL	
D. OTIS SANGER		CHARLES T. STETSON	
BENJAMIN F. PAINE		WILLIAM SCOLLANS	
EUGENE A. REED, JR.		CHARLES P. HARDING	
HARVEY R. RUGGLES		J. HARRIS AUBIN	
JOSEPH BENNETT		JOHN W. HARVEY	
AUSTIN BIGELOW		CHARLES H. DIMOCK	
JAMES W. HARVEY		FREDERICK HAMMOND	
GEORGE B. LIVERMORE		CHARLES T. STETSON	
FRANK G. NEWHALL		ISAAC F. WOODBURY	
GEORGE A. NUTE		JAMES CHALMERS	
EUGENE A. REED, JR.		JOHN F. GOODWIN	
HOMER ROGERS		AUGUST WEITZ	
CLARENCE W. SANDERSON		GRANVILLE A. FULLER	
AUSTIN BIGELOW		JAMES I. WINGATE	
WILLIAM E. HIBBARD		BENJAMIN M. FISKE	
JOHN L. B. PRATT		CHARLES P. HARDING	
CHARLES P. HARDING		MARK A. WATERHOUSE	
J. HARRIS AUBIN		CYRUS E. MARSHALL	
LOUIS MONTO		GEORGE B. LIVERMORE	
JAMES W. HARVEY		WILLIAM SCOLLANS	
ISAAC W. WARREN		J. HARRIS AUBIN	
FRANK G. NEWHALL		CHARLES T. STETSON	

VII.

[*On the reverse.*]

THE OFFICIAL BALLOT

OF THE

REPUBLICAN CITY COMMITTEE,

OF BOSTON.

SEPTEMBER 22, 1893.

.....

Secretary.

VIII.

Official Ballot used at the Republican Caucus held in Ward 13, Boston, Sept. 22, 1893. Ward 13 is a solidly Democratic ward, and hence we find little interest manifested at the Republican caucuses. This ticket probably represents the ward committee's "slate."

WARD 13.

THE OFFICIAL BALLOT

OF THE

REPUBLICAN CITY COMMITTEE, OF BOSTON.

To vote for a person, mark a cross [X] in the square at the right of the name.

For Delegates to the STATE CONVENTION.

Vote for Four

E. MERTAIN HATCH . . .	
JOHN J. VORTISCH	
CHARLES H. TURNER . . .	
WALTER H. ROCKWELL . .	

For Delegates to the COUNTY CONVENTION.

Vote for Four

FRANK FAULHEFER . . .	
HENRY C. BAMBERG . . .	
WINFIELD E. CLOGSTON . .	
NELSON W. STEELE . . .	

For Delegates to the COUNCILLOR CONVENTION.

Vote for Four

HARRY W. FARMER . . .	
EDWARD W. S. PETERS . .	
HENRY MITCHELL	
FREDERICK J. MITCHELL .	

For Delegates to the SENATORIAL CONVENTION.

Vote for Four

JOHN J. VORTISCH	
HENRY C. BAMBERG . . .	
HENRY E. STELTZ	
WINFIELD E. CLOGSTON . .	

APPENDIX C.

DOCUMENTS ILLUSTRATIVE OF NATIONAL CONVENTIONS.

1. OFFICIAL CALL OF THE DEMOCRATIC NATIONAL CONVENTION OF 1892.

THE National Democratic Committee, at a meeting held this day in the City of Washington, D. C., has appointed Tuesday, the 21st day of June, 1892, as the time, and chosen the City of Chicago as the place, for holding the National Democratic Convention. Each State is entitled to representation therein equal to double the representation to which it is entitled in the next Electoral College, and each Territory and the District of Columbia shall have two delegates. All Democratic conservative citizens of the United States, irrespective of past political associations and differences, who can unite with us in the effort for pure, economical and constitutional government, are cordially invited to join in sending delegates to the Convention.

CALVIN S. BRICE, *Chairman.*
SIMON P. SHEERIN, *Secretary.*

January 21, 1892.

2. OFFICIAL CALL OF THE REPUBLICAN NATIONAL CONVENTION OF 1896.

To the Republican Electors of the United States.

IN accordance with usage and the instructions of the Republican National Convention of 1892, and by direction of the National Committee, a National Convention of delegated representatives of the Republican party will be held at the

City of St. Louis, in the State of Missouri, on Tuesday, the Sixteenth day of June, 1896, at 12 o'clock, noon,

for the purpose of nominating candidates for President and Vice-President of the United States, to be supported at the next National election,

and for the transaction of such other and further business as may be brought before it. The Republican electors in the several States and Territories, and voters without regard to past political affiliations, who believe in Republican principles and endorse the Republican policy, are cordially invited to unite under this call in the formation of a National ticket.

Each State will be entitled to four delegates at large, and for each representative in Congress at large, two delegates, and each Congressional District, each Territory and the District of Columbia, to two delegates. The delegates at large shall be chosen by popular State Conventions, called on not less than twenty days' published notice, and not less than thirty days before the meeting of the National Convention.

The Congressional District delegates shall be chosen at conventions called by the Congressional Committee of each such district, in the same manner as the nomination of a Representative in Congress is made in said district, provided that in any Congressional district where there is no Republican Congressional Committee the Republican State Committee shall appoint from the residents of such district a committee for the purpose of calling a District Convention to elect district delegates. The Territorial delegates shall be chosen in the same manner as the nomination of a delegate in Congress is made.

The delegates from the District of Columbia shall be chosen at a convention to be called by the committee of three provided for by the National Committee, at its meeting in Washington City on December 10, 1895, and such convention shall be constituted of members elected in district primaries to be held at such time and places, and presided over by such judges of election as said committee of three may appoint.

In addition to the representation now authorized by the rules of the National Convention for the Territories of Utah, New Mexico, Oklahoma and Arizona, the Committee advises each of said Territories to elect four delegates, and the admission of such additional delegates to the convention is recommended. An alternate delegate for each delegate to the National Convention, to act in case of the absence of the delegate, shall be elected in the same manner and at the same time as the delegate is elected.

All notices of contests must be filed with the Secretary of the National Committee, in writing, accompanied by printed statements of the grounds of contest, which shall be made public. Preference in the order of hearing and determining contests will be given by the Committee in accordance with the dates of filing such notices and statements with the Secretary.

THOMAS H. CARTER, *Chairman.*
JOSEPH H. MANLEY, *Secretary.*

WASHINGTON, D. C., December 14, 1895.

3. RULES ADOPTED BY THE DEMOCRATIC NATIONAL CONVENTION OF 1892.

[TAKEN FROM THE "OFFICIAL PROCEEDINGS," 29 AND 67.]

"TO THE NATIONAL DEMOCRATIC CONVENTION: —

"Your Committee on Rules and Order of Business beg leave to submit the following recommendations:

"We recommend the following order of business to be preserved by this Convention:

"*First* — Report of the Committee on Credentials.

"*Second* — Report of the Committee on Permanent Organization.

"*Third* — Report of the Committee on Resolutions.

"*Fourth* — Nomination of a candidate for the office of President of the United States.

"*Fifth* — Nomination of a candidate for the office of Vice-President of the United States.

"Your Committee further recommends that the rules of the last Democratic Convention shall be adopted for the government of this Convention."

These rules, which are the same as those adopted by the Democratic national convention held in Cincinnati, June 1st, 1852, are as follows:

"*Resolved*, That the rules of the House of Representatives, as far as applicable for the government of the Convention, be adopted as the rules of this Convention.

"*Resolved*, That two-thirds of the whole number of votes given shall be necessary to a nomination of Candidates for President and Vice-President of the United States by this Convention.

"*Resolved*, That in voting upon any question which may arise in the proceedings of this Convention, the vote shall be taken by States, at the request of any one State — each State to be entitled to the number of votes to which such State is entitled in the next electoral college, without regard to the number of delegates in attendance: the manner in which said vote is to be cast to be decided by the delegation of each State by itself."

---

4. RULES ADOPTED BY THE REPUBLICAN NATIONAL CONVENTION OF 1896.

RULE 1. The Convention shall consist of a number of delegates from each State equal to double the number of its Senators and Representatives in Congress, six delegates each from the Territories of Arizona, Indian Territory, New Mexico and Oklahoma, four from Alaska, and two from the District of Columbia.

RULE 2. The rules of the House of Representatives of the Fifty-fourth Congress shall be the rules of the Convention so far as they are applicable and not inconsistent with the following rules:

RULE 3. When the previous question shall be demanded by a majority of the delegates from any State, and the demand seconded by two or more States, and the call sustained by a majority of the Convention, the question shall then be proceeded with and disposed of according to the rules of the House of Representatives in similar cases.

RULE 4. A motion to suspend the rules shall be in order only when made by authority of a majority of the delegates from any State, and seconded by a majority of the delegates from not less than two other States.

RULE 5. It shall be in order to lay on the table a proposed amendment to a pending measure, and such motion, if adopted, shall not carry with it or prejudice such measure.

RULE 6. Upon all subjects before the Convention, the States shall be called in alphabetical order, and next the Territories, Alaska and the District of Columbia.

RULE 7. The report of the Committee on Credentials shall be disposed of before the report of the Committee on Resolutions is acted upon, and the report of the Committee on Resolutions shall be disposed of before the Convention proceeds to the nomination of candidates for President and Vice-President.

RULE 8. When a majority of the delegates of any two States shall demand that a vote be recorded, the same shall be taken by States, Territories, Alaska and the District of Columbia, the Secretary calling the roll of the States and Territories, Alaska and the District of Columbia in the order heretofore established.

RULE 9. In making the nominations for President and Vice-President, in no case shall the calling of the roll be dispensed with. When it appears at the close of any roll-call that any candidate has received a majority of all the votes to which the Convention is entitled, the President of the Convention shall announce the question to be: "Shall the nomination of the candidate be made unanimous?" If no candidate shall have received such majority, the chair shall direct the vote to be taken again, which shall be repeated until some candidate shall have received a majority of the votes; and when any State has announced its vote it shall so stand unless in case of numerical error.

RULE 10. In the record of the votes by States, the vote of each State, Territory, Alaska and the District of Columbia shall be announced by the chairman; and in case the vote of any State, Territory, Alaska or District of Columbia shall be divided, the chairman shall announce the number of votes cast for any candidate, or for or against any proposition; but, if exception is taken by any delegate to the correctness of such announcement by the chairman of his delegation, the President of the Convention shall direct the roll of members of such delegation to be called, and the result shall be recorded in accordance with the votes individually given.

RULE 11. No member shall speak more than once upon the same question, nor longer than five minutes, unless by leave of the Convention, except in the presentation of the names of candidates.

RULE 12. A Republican National Committee shall be appointed, to consist of one member from each State, Territory, Alaska and the District of Columbia. The roll shall be called and the delegation from each State, Territory, Alaska and the District of Columbia shall name, through its chairman, a person who shall act as a member of such committee. Such committee shall issue the call for the meeting of the National Convention within sixty days at least before the time fixed for said meeting, and each Congressional District in the United States shall elect its delegates to the National Convention in the same way as the nomination for a member of Congress is made in said district, and in Territories the delegates to the Convention shall be elected in the same way as the nomination of a delegate to Congress is made, and said National Committee shall prescribe the mode of selecting the delegates for the District of Columbia. An alternate delegate for each delegate to the National Convention, to act in case of the absence of the delegate, shall be elected in the same manner and at the same time as the delegate is elected. Delegates at large for each State, and their alternates, shall be elected by State Conventions in their respective States.

RULE 13. The Republican National Committee is authorized and empowered to select an Executive Committee, to consist of nine members, who may or may not be members of the National Committee.

RULE 14. All resolutions relating to the platform shall be referred to the Committee on Resolutions without debate.

RULE 15. No persons, except members of the several delegations and officers of the Convention, shall be admitted to that section of the hall apportioned to delegates.

RULE 16. The Convention shall proceed in the following order of business:

First — Report of the Committee on Credentials.
Second — Report of the Committee on Permanent Organization.
Third — Report of the Committee on Resolutions.
Fourth — Naming members of National Committee.
Fifth — Presentation of names of candidates for President.
Sixth — Balloting.
Seventh — Presentation of names of candidates for Vice-President.
Eighth — Balloting.
Ninth — Call of roll of States, Territories, Alaska and the District of Columbia for names of delegates to serve respectively on committees to notify the nominees for President and Vice-President of their selection for said office.

NOTE. — With the exception of Rule 4, and the ninth step in the order of business, which are new matter, the above rules are almost identical with the rules adopted by the Republican Convention of 1892. (cf. "Official Proceedings" of the Minneapolis Convention. 29–31.)

APPENDIX D.

I.

RULES OF THE REPUBLICAN CITY COMMITTEE OF CAMBRIDGE, MASS. (ADOPTED JULY 8, 1892.)

[NOTE. — The provisions in regard to enrolment were added in 1893.]

Organization and Membership.

1. The name of this organization shall be "THE REPUBLICAN CITY COMMITTEE OF CAMBRIDGE."

2. The members shall be the members of the Republican Ward Committees of the several Wards of Cambridge, each Ward of the city being entitled to seven members.

3. All members shall be Republicans and qualified voters in the respective Wards from which they are elected. They shall be chosen annually at the caucus which is held for the purpose of electing delegates to the State Convention, and shall hold office during the year for which they are elected, and until their successors have organized. They shall meet for organization during the month of January.

4. Fifteen members shall constitute a quorum of the Committee.

5. In case of a vacancy in any Ward Committee, the remaining members of such Committee shall nominate a candidate to fill such vacancy and present his name to the general Committee for election to membership.

6. The City Committee shall have charge of the political campaigns of the Republican Party of Cambridge, calling the caucuses of that party, establishing rules, under the laws of the Commonwealth, for the guidance of the same, and shall discharge such other duties as properly belong to it in furthering the interests of the Party which it represents.

Officers.

7. The Officers shall be as follows, namely: A President, a Secretary, and a Treasurer. They shall be elected each year at the first meeting of the Committee. They shall be chosen by ballot, and a majority of the votes cast shall be necessary for their election. In case of a vacancy in any such office, it may be filled at any subsequent meeting of the Committee, notice of the proposed action having been stated in the call for the same.

Committees.

8. The Committees shall be as follows, namely: An Executive Committee, consisting of five members one from each Ward together with the President, Secretary, and Treasurer, Members *ex officio*.

9. A Finance Committee, consisting of one member from each Ward Committee.

10. An Auditing Committee, consisting of three members of the City Committee.

11. The Executive, Finance and Auditing Committees shall be chosen at the aforesaid first meeting and in such manner as those present may determine.

12. Where a Committee is to consist of one Representative from each Ward, the Ward Committee shall nominate its own Representative.

Duties of Officers.

13. The President shall see that arrangements are made for the calling of all necessary meetings of the City Committee, and shall preside over the same. He shall also preside over the meetings held by the Executive Committee, and shall exercise a general supervision over the work of the City Committee.

14. The Secretary shall attend to the keeping of the Records of all meetings of the City Committee (and likewise of the Executive Committee) in suitable books furnished to him for that purpose. He shall give due notice of all meetings to be held by the City Committee and shall perform such other duties which are assigned to him, or which devolve upon him by virtue of his office. All such Records kept by him shall be the property of the City Committee.

15. The Treasurer shall receive and have charge of all moneys collected for the use of the City Committee, and shall pay out the same in such manner as directed by vote of said Committee. He shall, in suitable books, provided him for that purpose, keep a detailed account of all moneys received and disbursed by him, and shall perform the ordinary duties pertaining to the office. He shall, previous to the first day of December, in each year, have his books and accounts arranged in such manner as to enable an examination of the same by the Auditing Committee. On or before the first day of January of each year, he shall file with the Secretary a written statement of all moneys paid out by him during his term of office, and the purposes for which said moneys were paid, which statement shall be open to inspection by members of the Committee and by contributors to the campaign fund. The books and accounts above named shall be the property of the City Committee.

Duties of Committees.

16. The Executive Committee shall perform such duties as are assigned to them by vote of the City Committee, and shall from time to time take such action as they shall deem to be for the best interests of the Republican Party.

17. The Finance Committee shall assist in raising all necessary funds for campaign purposes and cause the same to be paid to the Treasurer.

18. The Auditing Committee shall, after the first day in December in each year, examine the books and accounts of the Treasurer, and, if found to be correct shall certify the same to the Treasurer, on or before the 15th of December, in writing, and shall also report their findings to the City Committee.

Contested Elections.

19. In all contested elections to Ward Committees, the contestants shall file with the Secretary of the City Committee, on or before the first day of January thereafter, a petition setting forth all alleged irregularities by reason of which the contest is claimed.

20. A hearing shall be given to such contestants within fourteen days after such petition has been filed, notice being duly served by the Secretary of the City Committee upon the party whose election is contested. The hearing upon such petition shall be confined to the allegations contained therein, and the decision of the City Committee shall be final in the matter.

Caucuses.

21. The time and number of caucuses to be held, and the rules that shall govern the same, shall be determined from time to time by a vote of the City Committee.

Senatorial District Committee.

22. In case any Senatorial Convention shall fail to appoint a Senatorial District Committee, the City Committee shall constitute the Senatorial District Committee.

In General.

23. Meetings of the several Ward Committees shall be called by the Chairman giving due notice to each member thereof.

24. If any member of the City Committee absents himself from three consecutive meetings of the Committee, of which he has had due notice, without a satisfactory excuse, his place may be declared vacant by vote of a majority of the City Committee and such vacancy shall be filled as hereinbefore provided for filling vacancies in any Ward Committee.

25. The words "City Committee" herein used shall be construed as meaning The Republican City Committee.

26. These rules, or any portion of them, may be suspended at any meeting by a three-fourths vote of the members present.

27. The foregoing rules may be amended at any meeting, notice having been given at the previous meeting, by vote of a majority of the whole City Committee.

28. No member of the City Committee shall hold a position in any political committee or convention for the nomination of candidates for public office excepting such caucuses and conventions governing the nomination of candidates for municipal offices, under the present existing non-partisan system, other than a regularly called Republican Convention, nor assist in the election of any candidate in opposition to the regular Republican nominee, or receive remuneration for political services rendered candidates, or be guilty of any act or misconduct unbecoming his position as a member of the City Committee without forfeiting his right to membership therein. In either event his place upon the Committee may be declared vacant by vote of a majority of the whole City Committee, and such vacancy may be filled as hereinbefore provided for the election of members to fill vacancies.

Enrolment of Voters.

29. Every Republican in the city of Cambridge shall be entitled to have his name enrolled on the list of Republican Voters of the Ward in which he is a legal voter. Enrolment shall be made by marking with ink the letter R at the left of and against the name of each Republican on the printed list published by the Registrars of Voters. No change shall be made in such enrolment except by consent of a majority of the Ward Committee and no person whose name is not so enrolled shall be allowed to vote at a Republican Caucus, except as hereinafter provided.

30. It shall be the duty of the Republican Committee of each Ward, prior to the first day of September in each year, to place upon the said enrolled list of Republican Voters of the Ward the names of all known Republicans entitled to vote therein, so far as they can be ascertained.

31. Any legal voter of the Ward may file with any member of the Ward Committee (at least two days before the Caucus) his written declaration that he is a Republican in politics, accompanied by a statement in writing, signed by three enrolled Republican Voters of the Ward, that, according to their knowledge and belief, the person named by them is a Republican and entitled to vote at Republican Caucuses held in the Ward, and his name shall be enrolled, unless a majority of the Ward Committee shall, for cause, otherwise decide.

32. In case any Republican who is a voter in the Ward, whose name has been omitted from the said enrolled list, attends a Republican Caucus and expresses a desire to vote therein, his name shall be placed upon said list and he be allowed to vote, provided that such person is adjudged to be a Republican in politics by a majority of the Ward Committee present, and shall sign, if requested by such Committee, a declaration to the effect that he is a Republican in politics.

33. The Secretary or any other member of the City Committee shall furnish blanks to voters who desire to file applications and declarations as aforesaid. All declaration papers shall be sent by the several Chair-

men to the Secretary of the City Committee, who shall preserve the same for future reference.

34. The City Committee shall afford convenient opportunities for enrolment and give due notice thereof.

35. The Executive Committee shall have power to erase from the list of enrolled voters aforesaid the name of any person who they find is not a Republican, providing two-thirds of those present and voting shall so vote, opportunity for a hearing being first given such person before the full Executive Committee or a Sub-Committee thereof. The Secretary of the City Committee shall notify the Chairman of the Ward Committee of any erasures made.

36. Any enrolled Republican who allows his name to be placed in nomination in opposition to the regular nominees of the Caucus shall have his name stricken from the enrolled list for two years.

37. Ten days before the holding of the Republican State Convention in each year, and at such other times as the President and Secretary of the City Committee may require, the Chairman of each Ward Committee shall cause to be filed with the Secretary of the City Committee a copy of the list of the enrolled voters in their respective Wards and of additions thereto, together with all declaration papers which have been filed, all of which shall be for the use of the City Committee and of succeeding Ward Committees.

38. Against the names of those voters who have been enrolled upon their own declaration shall be placed the letter O. The said enrolled list shall be for the use of the City Committee only and subject to any regulations which the President and Secretary may prescribe for its care and preservation.

II.

BLANK USED IN CASE OF ENROLMENT PREVIOUS TO THE HOLDING OF THE CAUCUS.

Cambridge, ... *189*

I hereby declare that I am a Republican in politics, and being a qualified voter in Ward ....., *request that my name be added to the list of enrolled Republicans in said Ward.*

(Sign on this line) .....

Number ..... *Street.*

CAMBRIDGE, ... 189

We, the Undersigned, being enrolled Republican voters of Cambridge, in the same Ward with ....., the applicant above named, hereby certify that to our best knowledge and belief the said applicant is a Republican in politics and entitled to vote at Republican Caucuses in said Ward.

..... No. ..... Street.
..... " ..... "
..... " ..... "

..... President.
..... Secretary.
..... Treasurer.

Republican City Committee of Cambridge.

. . . Chairmen of Ward Committees. . . .

[Here follow the names and addresses of the chairmen of the different Ward Committees.]

IIa. BLANK USED IN CASE OF ENROLMENT ON THE NIGHT OF THE CAUCUS.

Cambridge, ... *189* .....

I hereby declare that I am a Republican in politics and being a qualified voter in Ward ..... *request that my name be added to the list of enrolled Republicans in said Ward.*

Name .....

No. ..... *Street.*

APPENDIX E.

FORMS USED UNDER THE AUSTRALIAN BALLOT ACTS.

I.

CERTIFICATE OF NOMINATION FOR STATE OFFICES, MASSACHUSETTS.

(Last day and hour for filing this certificate with Secretary of the Commonwealth, Monday, October 9, 1893, 5 P. M.)

Commonwealth of Massachusetts.

STATE CONVENTION CERTIFICATE OF NOMINATION.

We certify that a convention of delegates, who were selected in caucuses called and held in accordance with the requirements of the Election Act of 1893, *representing the* ..... *party, a party which at the last preceding annual election polled at least three per centum of the entire vote cast in the Commonwealth for Governor, was held for the Commonwealth at* ..... *on the* .....*day of* ..... , 1893,
(City or Town.)
and the following nominations of candidates for state offices were made, to be voted for in the Commonwealth on the 7th day of November, 1893, *viz.* : —

Offices to be filled.	*Names of Candidates.*	*Residences.* (City or Town. Street and No., if any.)	*Party or Political Designation.*
Governor, ...	.....	.....	.....
Lieutenant Governor,	.....	.....	.....
Secretary, ...	.....	.....	.....
Treasurer, ...	.....	.....	.....
Auditor, ...	.....	.....	.....
Attorney-General, .	.....	.....	.....

(Print or write all the above entries very plainly. Send a printed ballot.)

.....*Presiding Officer of Convention.*
(Name.)
.....
(Residence, City or Town. Street and No., if any.)

.....*Secretary of Convention.*
(Name.)
.....
(Residence, City or Town. Street and No., if any.)

COMMONWEALTH OF MASSACHUSETTS.

.....*ss.* .....1893.

Then personally appeared the above-named.....Presiding Officer, and.....Secretary, and severally made oath that the foregoing certificate, by them signed, is true to the best of their knowledge and belief.

Before me

.....

Justice of the Peace

II.

CERTIFICATE OF NOMINATION (CONGRESSIONAL CONVENTION), RHODE ISLAND.

To be filed in the Secretary of State's Office at least 15 days previous to the day of Election.

State of Rhode Island and Providence Plantations.

CONVENTION CERTIFICATE OF NOMINATION.

We certify that a convention of the qualified delegates of the_____ Congressional District of the State of Rhode Island was called and held in accordance with the provisions of Chapter 731 *of the Public Laws, passed March* 29, 1889, *at_____in the city of Providence, on the_____day of October,* 1890, *and the following nomination was made for a Representative to represent said_____ Congressional District in the Fifty-Second Congress of the United States.*

NAME OF CANDIDATE.	Party or Political Principle Represented.	RESIDENCE. Town or City, Street and Number.

☞ Print or write all the above names very distinctly.

_____*Presiding Officer of Convention.*

(Name.)

_____

(Residence, City or Town, Street and No., if any.)

_____*Secretary of Convention,*

(Name.)

_____

(Residence, City or Town, Street and No., if any.)

State of Rhode Island and Providence Plantations.

_____ *County, sc.* _____ *October* ____ 1890.

Then personally appeared the above named _____ *Presiding Officer, and* _____ *Secretary, and severally made oath that the foregoing certificate by them signed, is true to the best of their knowledge and belief.*

Before me,

_____

Notary Public.

III.

CERTIFICATE OF NOMINATION, — JUDGE OF THE COURT OF APPEALS, — MISSOURI.

CERTIFICATE OF NOMINATION.

STATE OF MISSOURI, }
DEPARTMENT OF STATE. }

To the Clerk of the _____ County Court — Greeting:

In compliance with the provisions of Section 4767, *Revised Statutes of Missouri,* 1889, *I,* ALEXANDER A. LESUEUR, *Secretary of State, hereby certify that JACKSON L. SMITH of the County of Cole, whose occupation is that of an Attorney at Law, was, on the 28th day of June,* 1892, *duly nominated to the office of Judge of the Kansas City Court of Appeals within and for the Kansas City Court of Appeals district of the State of Missouri, by a delegate convention of the DEMOCRATIC PARTY of said district, as shown by the certificate of his said nomination on file, as the law directs, in this office. And I do further certify that the said political party polled, as a party, at the last general election before such convention, at least three per cent. of the entire vote cast in said district for which said nomination is made.*

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Great seal of the State of Missouri. Done at the City of Jefferson, this Twenty-first day of October One Thousand Eight Hundred and Ninety-two.

_____

Secretary of State.

IV.

CERTIFICATE OF NOMINATION FOR ALL OFFICES, IOWA.

Sec. 4, Chapter 33, Laws Twenty-Fourth General Assembly.

STATE OF IOWA.

Certificate of Nomination, for.....Offices.
(State, District, County or Municipality.)

SEC. 4. Any convention of delegates, primary, caucus or meeting representing a political party, which at the general election next preceding polled at least two (2) per cent of the entire vote cast in the state or division thereof, or municipality for which the nomination is made, may for the state or division thereof, or municipality for which the convention, primary, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required in section 6 of this act, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of residence. Where such nomination is made by a primary election the certificate shall be signed by the board of canvassers, to which the returns of such primary are made. Such certificate shall be sworn to by them to be true, to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

SEC. 6. All certificates of nomination, or nomination papers, shall, besides containing the names of candidates, specify as to each:

1. The office to which he is nominated.
2. The party or political principle which he represents, expressed in not more than five (5) words.
3. His place of residence, with street and number thereof, if any.

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a.....held for that purpose in the .....of....., State of Iowa, on the.....day of....., 189 , the following nominations were made for the offices herein designated, viz.:

OFFICE TO BE FILLED.	NAME OF CANDIDATE.	PARTY.	RESIDENCE.

We also certify that, at the last preceding general election, the entire vote cast in the.....was..... of which the..... party polled.....votes, being more than two per cent of the entire vote cast in said.....at said election.

....., ...,
of....., Iowa, of....., Iowa.
Secretary of the Convention. Chairmen of the Convention.

State of Iowa,.....County, ss. *Personally appeared before me this ..... day of.....189 , ...whose name is subscribed to the above certificate, who being duly sworn, on oath says, that the same is true to the best of his knowledge and belief.*

.....,
Notary Public.

State of Iowa, ...County, ss. *Personally appeared before me this ..... day of.....189 , ...whose name is subscribed to the above certificate, who being duly sworn, on oath says, that the same is true to the best of his knowledge and belief.*

.....,
Notary Public.

(*On the reverse.*)

Certificate of Nomination.

STATE OF IOWA,
.....*County.*

Election of.....189 .

Filed in my office this.....

day of.....189

.....

.....

SEC. 7. CERTIFICATES OF NOMINATION, and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire state, or any division or district greater than a county, shall be filed with the secretary of state not more than sixty days (60) and not less than thirty (30) days before the day fixed by law for the election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county auditor of the respective counties, not more than sixty (60) days and not less than twenty (20) days previous to the day of such election; provided, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities and incorporated towns shall be filed with the clerks or recorder of the cities or incorporated towns not more than forty (40) days and not less than ten (10) days previous to such election.

V.

FORM OF NOMINATION PAPER IN PARLIAMENTARY ELECTIONS.

(Statutes Revised, XVI., 935.)

We, the undersigned, A. B. of_____in the_____of _____and C. D. of_____in the_____of _____, being electors for the_____of_____, do hereby nominate the following person as a proper person to serve as member for the said_____in Parliament:

Surname.	Other Names.	Abode.	Rank, Profession or Occupation.
Brown	John	52 George St., Bristol.	Merchant.
Jones	or William David,	High Elms, Wilts.	Esquire.
Merton	or Hon. George Davis, Commonly called Viscount,	Sanworth, Berks.	Viscount.
Smith	or Henry Sydney,	72 High St., Bath.	Attorney.

(*Signed*) A. B.
C. D.

We, the undersigned, being registered electors of the_____ _____ do hereby assent to the nomination of the above-mentioned John Brown as a proper person to serve as member for the said_____in Parliament.

(*Signed*) E. F. of
G. H. of
I. J. of
K. L. of
M. N. of
O. P. of
Q. R. of
S. T. of

VI.

FORM OF NOMINATION PAPER FOR OTHER THAN STATE OFFICES, MASSACHUSETTS.

(Last day and hour for filing nomination papers with Secretary of the Commonwealth: State, Monday, October 16, 1893, 5 P. M.; District, Friday, October 20, 1893, 5 P. M.)

Commonwealth of Massachusetts.

NOMINATION PAPER.

The undersigned, qualified voters of the Commonwealth and of the electoral district or division for which the nomination is made, in accordance with the provisions of the Election Act of 1893, *make the following nomination of a candidate for the office of* _____ *to be voted for in the* _____
(Exact title of office.) (Exact title of district, if in a district.)
on the 7th day of November, 1893, *viz.:* —

Name of Candidate, _____

Residence, _____
(City or Town. Street and No., if any.)

Party or Political Designation, _____
(Print or write all the above entries very plainly.)

We certify that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto.

SIGNATURES. (To be made in person.)	RESIDENCES. (City or Town. Street and No., if any.

COMMONWEALTH OF MASSACHUSETTS.

_____ *ss.* _____ 1893.

Then personally appeared _____ *one of the signers to the above nomination paper, and made oath that the statements therein contained are true to the best of his knowledge and belief, and that his post office address is* _____

Before me,

_____
Justice of the Peace.

VII.

INSTRUCTIONS ACCOMPANYING NOMINATION PAPER FOR STATE OFFICES ISSUED BY SECRETARY OF STATE, MASSACHUSETTS.

Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY.

1893.

NOMINATION OF CANDIDATES FOR STATE OFFICES BY NOMINATION PAPERS.

In order to ascertain the number of signatures required to make a nomination, the Secretary of the Commonwealth should be informed as to the office, district, etc., for which the paper is to be used.

The exact titles of offices and district, the names and residences of candidates and the political designation should be entered in the proper places at the head of the paper before any signature is placed thereon.

All signatures must be made in person, and the residence, city or town, street and number (if any), must be written in full against each signature.

If the word "Republican" or the word "Democrat" is used in the political designation, it must be the first word thereon, and but one additional word can be used in such a case. The words "Nom. Paper" should be added at the end of such designation. If such party names are not used three words may be used in the political designation.

The required number of signatures must be certified by registrars of voters before a paper is filed.

A paper made up by pasting several pieces of paper together, or on which there are erasures or changes will not be filed and accepted except when satisfactory evidence is produced that such erasures or changes were made with the knowledge and consent of the signers to such paper.

A written acceptance of the candidate must be filed with the nomination paper or papers bearing the required number of certified signatures.

VIII.

NOMINATION PAPER FOR ALL OFFICES, IOWA.

Sec. 5, Chapter 33, Laws Twenty-Fourth General Assembly.

NOMINATION PAPER.

SECTION 5. Nominations for candidates for any office to be filled by the *voters of the State at large*, may be made by nomination papers signed in the aggregate for each candidate by not less than five hundred (500) qualified voters of the State. Nominations of candidates for offices to be filled by the *electors of a county, district* or other division less than a State may be made by nomination papers, signed in the aggregate for each candidate by not less than twenty-five (25) qualified voters of such county, district or division. Nominations of candidates for offices to be filled by the *electors of a city, town, precinct or ward* may be made by nomination papers signed in the aggregate for each candidate by not less than ten (10) qualified voters of such city, town, precinct or ward; provided, that the name of any candidate, whose name may appear in any other place upon the ballot, shall not be so added by petition for the same office. Each elector signing a certificate shall add to his signature his place of business and postoffice address.

The undersigned qualified voters of the.....

.....

in accordance with the laws relating thereto, make the following nominations, viz.:

Office to be Filled.	NAME OF CANDIDATE.	PARTY.	RESIDENCE.

We certify that we have not subscribed to any other nominations for these offices.

SIGNATURES.	RESIDENCES (Town or City, Street and Number, if any.)

(*On the reverse.*)

NOMINATION PAPER.

STATE OF IOWA,

.....*County.*

Election of.....189.....

Filed in my office this.....

day of..... 189.....

.....

.....

SECTION 7. Certificates of nomination, and *nomination papers* for the nomination of candidates for offices to be filed by the electors of the entire State, or any division or district greater than a county, shall be filed with the secretary of state not more than sixty days (60) and not less than thirty (30) days before the day fixed by law for the election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county auditor of the respective counties, not more than sixty (60) days and not less than twenty (20) days previous to the day of such election; provided that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities and incorporated towns shall be filed with the clerks or recorder of the cities or incorporated towns not more than forty (40) days and not less than ten (10) days previous to such election.

IX.

BLANK ACCEPTANCE OF CANDIDATE NOMINATED BY NOMINATION PAPERS, MASSACHUSETTS.

COMMONWEALTH OF MASSACHUSETTS.

.....1894.
(Town, month and day.)

I accept the nomination as a candidate for the office of.....
(Exact title of office.)
to be voted for in the town of.....*on the*.....*day of*
....., 1894, *said nomination being made by the nomination paper filed herewith, as required by the Election Act of* 1893.

.....
(Signature of candidate, to be made in person.)

.....
(Residence, street and number, if any.)

In presence of

.....
(Signature of witness, to be made in person.)

.....
(Residence, street and number, if any.)

APPENDIX F.

FORMS USED IN SPEAKERSHIP CAMPAIGNS.

---

1. Call for the Republican Caucus to nominate a Candidate for Speaker of the Massachusetts House of Representatives, 1893–94, mailed to every Republican Member of the House.

We, the undersigned, believe in calling a caucus of the Republican representatives elect on such a date as the signers of the call may subsequently determine for the purpose of nominating a Speaker of the next House of Representatives.

[Here follow the names of members-elect desiring a caucus.]

Sign here.....

Also sign the card stating your preference as to date and time of caucus.

---

2. Sample Circular used in the Campaign for the Republican Nomination for Speaker of the Massachusetts House of Representatives, 1893–94. A Copy of this Circular was mailed to every Republican Member.

Dear Sir: —

In presenting to the members of the Legislature of 1894 the name of ——, of ——, as a candidate for Speaker, we desire to state briefly some of his qualifications for the position.

He was born and has always lived in Massachusetts, was educated in the public schools of the city of Newton until he entered Amherst College, where he was graduated as valedictorian of his class, in 1878.

He attended Harvard Law School two years and Boston University Law School one year, where he was given the degree LL.B., *summa cum laude*, in 1882. In that year he was admitted to the bar, and has since practised his profession in Boston.

In 1886 he became an instructor in Boston University Law School, and in 1891 he was appointed a professor in that institution, succeed-

ing the late Elias Merwin as lecturer on equity jurisprudence and pleading.

In 1885 he was a member of the Common Council of the city of Malden, and in 1889, 1890 and 1891 he was City Solicitor of the same city.

He has been a member of the House of Representatives for the last two years, having served upon the Committee on the Judiciary and the Committee on Cities, of which latter Committee he was House Chairman.

While not hasty in forming judgments, he has decided views on all the important subjects which come before the Legislature, and has the faculty of clearly and forcibly stating his position. He is well versed in Parliamentary Law, and while of a judicial temperament, can think quickly and accurately. He has several times occupied the Speaker's chair acceptably.

We recommend Mr. —— as one who will fill the position of Speaker with honor to the Commonwealth.

Signed by six representatives as a Committee of Members-Elect.

APPENDIX G.

THE MASSACHUSETTS CAUCUS LAW.

[NOTE. — Certain minor changes in these Acts were made by Chapter 469 of the Acts of 1896, which are indicated in the text by being enclosed in brackets. In addition, a new Special Act was passed by the Legislature of 1896, applying only to Caucuses in the city of Boston. (Chapter 435 of the Acts of 1896.)]

[CHAP. 489.]

AN ACT RELATIVE TO POLITICAL COMMITTEES AND CAUCUSES.

Be it enacted, etc., as follows:

SECTION 1. This act shall be known and may be cited as the caucus act of eighteen hundred and ninety-five.

SECTION 2. Terms used in this act relating to caucuses shall have application as hereinafter set forth, unless other meaning is clearly apparent from the language or context, or from manifest intent.

The term "political party," shall apply to a political party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the state for that office.

The term "elective office," shall apply to candidates for any office to be voted for at a state or municipal election. The term "caucus officers," shall apply to wardens, clerks, inspectors, chairmen, secretaries and tellers, and when on duty, to additional officers specially elected, or elected to fill a vacancy and taking part in the conduct of caucuses.

The terms "caucus," and "political convention," shall apply only to such as shall be called and held in pursuance of this act.

The term "political committee," shall apply only to such as shall be elected in pursuance of this act.

SECTION 3. Each political party shall annually elect a state committee who shall hold office for one year from the first day of January next following their election and until their successors shall have organized; said committee to consist of at least one member from each senatorial district, to be elected at the convention held for the nomination of a senator from said district to be voted for at the annual state election.

The members of the state committee shall, within thirty days from the beginning of their term of office, meet and organize by the choice of a chairman, a secretary and a treasurer, and such other officers as they may decide to elect.

The secretary of the state committee shall, within ten days of such organization, file with the secretary of the Commonwealth, and send to each city and town committee, a list of the members of the committee and of the officers hereinbefore named.

Any vacancy occurring in the office of chairman, secretary or treasurer in the committee shall be filled by the action of the committee, and a statement of any change so occurring shall, by the secretary, be filed as in the case of the officers first chosen.

SECTION 4. Each political party shall in every ward and town annually elect a committee to be called in the case of a town a town committee, and in the case of a ward a ward committee, which shall consist of not less than three persons, who shall hold office for one year from the first day of January next following their election and until their successors shall have organized, except that whenever a ward committee shall be elected between the first day of January and the first day of June, the members thereof shall hold office for one year from the first day of June next following their election [and until their successors shall have organized].

The members of the several ward committees of a political party in a city shall constitute a committee to be called a city committee. Each town committee shall annually, on a date between the first day of January and the first day of March following, and each city committee shall, within thirty days from the beginning of their term of office, meet and organize by the choice of a chairman, a secretary and a treasurer, and such other officers as they may decide to elect.

SECTION 5. The secretary of each city and town committee shall, within ten days after such organization, file with the secretary of the Commonwealth, with the clerk of the city or town, and with the secretary of the state committee of the political party of which they are a portion, a list of the members of the committee and of the officers hereinbefore named.

Any vacancy occurring in the office of chairman, secretary or treasurer in a committee shall be filled by the action of the committee, and a statement of any change so occurring shall be filed by the secretary as in the case of the officers first chosen.

SECTION 6. Any state, city or town committee may make such rules and regulations for its conduct as are not inconsistent with the provisions of law. And any state, city or town committee authorized by this act to call caucuses for the choice of delegates to political conventions may make rules and regulations relative to such caucuses, not inconsistent with the provisions of law.

Committees existing at the time this act takes effect shall be deemed to be organized under its provisions.

SECTION 7. All notices for holding caucuses shall apply to all members of the political party whose caucuses are to be held, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political

party in the same calendar year. Each town or city committee may make reasonable regulations, not inconsistent with the provisions of law, to determine membership in the party, and to restrain others than those who are entitled to vote at the caucus from attendance thereat or taking part therein. But no political committee of any party shall deprive any voter from taking part in a caucus of said party on the ground that the voter had supported an independent candidate for political office.

SECTION 8. All caucuses (except for special elections) for choice of delegates to political conventions which nominate candidates to be voted for at the annual state election, and for the nomination of candidates to be voted for at the annual state election, shall be held throughout the Commonwealth on one of two consecutive days, designated by the state committee of the political party for which said caucuses are held; and all of said delegates shall be elected and all of said candidates shall be nominated at one caucus, except that caucuses held for choice of delegates to a representative district convention, or for nomination of candidates for the general court, may be called and held as hereinafter provided. The chairman and secretary of the state committee of each political party shall at least twenty-one days before the date on which the caucuses are to be held forward their designations of dates to the chairman and secretary of each city and town committee of their party, and they shall at the same time designate two other consecutive days, which shall be at least seven days later than the designation above-provided, as dates on which caucuses may be held for choice of delegates to a representative district convention, or for nomination of candidates for the general court. If at least twelve days prior to the earlier date any representative district committee shall notify the chairman and secretary of each town and ward committee of their party in said district to hold the caucus for choice of delegates to said representative district convention or for the nomination of candidates for the general court on one of said latter dates such caucus shall be so held.

SECTION 9. No two political parties shall hold their caucuses on the same day. The party first filing with the secretary of the Commonwealth the copy of the call as above-provided shall be entitled to precedence on the days named.

SECTION 10. Every caucus of a political party in a town or city shall be called by a written or printed notice specifying that the same is to be held in accordance with the provisions of the caucus act of eighteen hundred and ninety-five, and the provisions thereof shall then apply to the conduct and proceedings of any such caucus, but nothing herein shall prevent the enforcement at such caucus of further regulations not inconsistent with the provisions of this act. Except as above-provided, no caucus or meeting [of a political party] shall be entitled to nominate a candidate for a public office, whose name shall be placed on the ballots provided in accordance with the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, or

shall be entitled to select delegates to a political convention for the nomination of a candidate, whose name shall be placed on the ballots so provided.

SECTION 11. At least two weeks prior to the date on which a caucus is to be held the chairman or secretary of the city or town committee shall notify the board of aldermen in a city or the selectmen in a town of the date selected for said caucus, and said aldermen or selectmen shall, at the expense of the city or town, provide polling places for said caucuses, and in case of a city, not less than one for each ward; and said aldermen or selectmen shall, at least ten days prior to the date of said caucus, notify said chairman or secretary as to the place so provided.

SECTION 12. Notices of caucuses held under the provisions of this act shall be issued by each city and town committee not less than seven days prior to the day on which the caucuses are to be held. They shall state the place where, and the day and hour when, the several caucuses are to be held. Said notices shall be conspicuously placed or posted in at least five places on a line or lines of public travel, and, if practicable, in every post-office within the city or town wherein the caucus is to be held, or shall be published at least twice in one or more local newspapers, if any. The hour for calling the caucus shall not be later than eight o'clock in the evening.

The notice for such caucus shall designate by name or office the person who shall call such caucus to order; and the person so designated shall call the caucus to order and preside until a chairman is chosen. In case however the person so designated is absent at the time appointed any member of the ward or town committee present shall call the caucus to order, and preside until a chairman is chosen.

The organization of the caucus by the choice of a chairman, secretary, and such other officers as the meeting may require, shall be the first business in order.

Any business that may properly come before the meeting shall next be transacted.

SECTION 13. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee, to be selected by such caucus, and the polls shall be kept open at least thirty minutes.

In balloting the voting lists last published according to law, with such subsequent additions thereto as may be certified by the registrars of voters, shall be used as check lists.

The registrars of voters in a city or town, whenever a caucus is called therein in accordance with the provisions of this act, shall, on request of the person designated in the notice thereof to call the caucus to order, furnish him for use in the caucus a certified copy of the voting lists of the town, or of the ward of the city, for which the caucus is to be held, as last published according to law, together with such names of voters as have been added thereto since such publication.

No person shall be entitled to vote or to take part in such caucus whose name does not appear upon said list.

SECTION 14. The person or persons receiving the highest number of votes in a caucus shall be deemed and declared to be elected or nominated. In case of a tie vote for delegates to a convention, or in case of a place being unfilled in a delegation, or in case of a vacancy occasioned by inability or neglect of a delegate elected to attend a convention, such vacancies shall be filled only by vote of the remaining members of the delegation at a meeting duly called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action of the meeting so far as it relates to a vacancy.

In case of a tie vote for members of a town or ward committee, or for caucus officers, the members duly elected shall fill the vacancy or vacancies.

In case a majority of a delegation, or ward or town committee or caucus officers are not elected, or in case of a tie vote for candidates for an elective office, the caucus shall at once proceed to another ballot, unless some one present entitled to vote objects; in case objection is made the caucus shall adjourn until the following or other subsequent day. The hour and place shall, if practicable, be the same as that named in the original call.

SECTION 15. The presiding officer and secretary of each caucus shall within five week days thereafter deliver, send or cause to be sent to each delegate to a political convention and to each member of a political committee, a certificate of his election, and to each candidate for an elective office a notice of his nomination.

The secretary of each caucus shall safely keep all ballots cast thereat and all voting lists used therein for the period of five days. If before the expiration of said time he shall be requested in writing by ten voters entitled to vote in said caucus, he shall safely keep said ballots and voting list for the period of three months thereafter, and shall produce the same if called for by any court of justice.

If within three week days of any caucus a person who has received votes thereat for nomination or election to any office, delegation or political committee shall serve upon the secretary of said caucus a statement in writing claiming an election or nomination, or shall declare in said statement an intention to contest the nomination or election of any other person, such secretary shall retain every envelope containing the ballots for such nomination or office until such claim is withdrawn or the contest for the nomination or election is finally determined by competent authority.

The secretary of a caucus receiving the above notice shall immediately give notice in writing to the person or persons interested, and the chairman and secretary who served at the caucus at which the ballots were cast, shall, within twenty-four hours after the giving of said notice, proceed to recount said ballots and determine the questions raised, and such recount shall stand as the true result of the vote cast in such caucus. And each of such candidates may appear and be present

during such recount, either in person or by an agent appointed by him in writing.

SECTION 16. Caucuses relative to a special election shall be held at such time and place and subject to such reasonable notice as the political committee whose duty it is to provide for holding the same may determine. All calls for the same shall be issued by the chairman and secretary of said political committee.

SECTION 17. The penalties imposed by law upon officers and voters who violate the provisions of acts regulating state elections are hereby imposed upon officers and voters who violate the provisions of this act.

The supreme judicial court and the superior court shall have full power at law or in equity to enforce the provisions of this act.

SECTION 18. All acts or parts of acts inconsistent herewith are hereby repealed. [*Approved June* 5, 1895.]

[CHAP. 507.]

AN ACT RELATIVE TO THE HOLDING OF CAUCUSES IN CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Terms used in this act relating to caucuses shall have application as hereinafter set forth, unless other meaning is clearly apparent from the language or context, or from manifest intent.

The term "political party," shall apply to a political party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the state for that office.

The term "nomination papers," shall apply only to those used in connection with caucuses, as herein provided.

The term "caucus officers," shall apply to wardens, clerks and inspectors, and when on duty to additional officers specially elected, or elected to fill a vacancy and taking part in the conduct of caucuses.

The term "elective office," shall apply to candidates for any office to be voted for at a state or municipal election.

SECTION 2. All caucuses of a political party in the city of Boston and in any city or town wherein a political party, prior to the passage of this act, accepted the provisions of chapter five hundred and four of the acts of the year eighteen hundred and ninety-four, for the choice of candidates to be voted for at a state election, for the choice of delegates to a political convention to nominate candidates to be voted for at a state election, for the choice of caucus officers, and for the choice of a political committee, shall be called and held as herein provided.

All caucuses held under the provisions of this act, except those that relate to a municipal or special election, shall be held at the call of the state committee of the political party whose caucuses are to be held, and the chairman and secretary of said state committee shall, at least twenty-one days before the date on which the caucuses are to be held,

forward a copy of the call to the chairman and secretary of each city and town committee of the party.

SECTION 3. All caucuses of a political party in said cities and towns for the choice of candidates to be voted for at a city or town election, and for the choice of delegates to a convention to nominate candidates to be voted for at a city or town election [shall be called and held as herein provided and] shall be held on the same day in each city and town, except such caucuses as relate to a special election: *provided, however*, that in said cities or towns caucuses for the choice of delegates to a convention to nominate candidates to be voted for by the city or town at large may be held upon a different day from the other caucuses above-mentioned. All caucuses for the choice of a ward committee shall be held on the same day, which may be the same as the day for holding caucuses for the choice of candidates to be voted for at a city election. The city or town committee shall determine the days upon which all the caucuses mentioned in this section shall be held, and all calls for the same shall be issued by the chairman and secretary of the city or town committee.

No two political parties shall hold their caucuses on the same day. The party first filing with the city or town clerk, [or in the city of Boston the board of election commissioners,] a copy of the call for a caucus shall be entitled to precedence on the day named.

SECTION 4. Notices of caucuses in said cities or towns, whether held at the call of the state committee or at the call of the city or town committee, shall be issued not less than eighteen days prior to the day on which the caucuses are to be held. They shall state the day when the several caucuses shall be held and the place at which nomination papers, as hereinafter provided, shall be filed, and the day and hour prior to which said nomination papers shall be filed.

SECTION 5. At least seven days prior to the day named for a caucus, as hereinbefore provided, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon, nor later than half-past seven o'clock in the evening, as the city or town committee shall determine.

At least two weeks prior to the date on which a caucus is to be held the chairman or secretary of the city or town committee shall notify the board of aldermen in a city or the selectmen in a town of such date, and the said aldermen or selectmen shall, at least ten days prior to the date on which the caucus is to be held, notify the city or town committee of the places selected for holding the caucuses; and said aldermen or selectmen shall, at the expense of the city or town, provide polling places, and in case of a city, not less than one for each ward, and shall prepare the same with booths, registering ballot boxes, guard rails and the like, in the same manner in which they are arranged for state elections.

All notices for caucuses in such cities or towns and all notices relative

to the filing of nomination papers shall be published not less than twice in one or more local newspapers if there are any such newspapers in such cities or towns.

SECTION 6. It shall be the duty of the city or town to provide, and of the city or town clerk seasonably to prepare, for each political party, as herein provided, blank nomination papers for use in the different wards of the city or in the town, stating the place where, and the day and hour prior to which, signed nomination papers must be filed. On the back of such papers shall be printed sections seven to fourteen inclusive of this act. Such papers shall, by the city or town clerk, be delivered to the chairman or secretary of the political committtee for whose use they have been prepared, and to such chairman or secretary only.

SECTION 7. Nominations by members of a political party of candidates for elective offices, for delegates to a convention, for caucus officers, and for a ward or town committee to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided.

Such papers shall contain the signatures of not less than five legal voters of the ward or town in which the caucus is to be held.

Said voters shall be members of the political party whose caucus is to be held.

Every voter signing a nomination paper shall sign the same in person, and shall add to his signature the street and number, if any, of his residence.

Nomination papers placing candidates in nomination shall not contain a larger number of names of candidates than there are persons to be elected. They may contain a less number. [No nomination paper offered for filing shall be received or deemed to be valid unless there shall be presented for filing with such nomination paper the written acceptance of the candidate or candidates for an elective office thereby nominated.]

SECTION 8. In addition to the name of the candidate for an elective office there shall be given the street and number, if any, of his residence, and there may be given his business or occupation, the public offices he has held, or any other information whereby his identity may be established, and his qualifications for the office to be filled, or his position on any public measure, indicated. Any statement of this nature shall be embodied in not exceeding eight words.

Against the name of a candidate for caucus officer or for ward or town committee shall be given the street and number, if any, of his residence.

In connection with names of persons proposed as delegates to a convention, any such statement may be made as that the persons named are favorable to, or are pledged to support, or to oppose, any person or persons for an office or offices to be filled, or are favorable to, or opposed to, any public measure, or are uncommitted; such statements shall be embodied in not exceeding eight words.

SECTION 9. The chairman or secretary of the city or town committee

shall endorse upon the nomination papers the time at which they are filed with him.

All nomination papers shall be sealed up and filed in the office of the secretary of the city or town committee not less than ten days previous to the day on which the caucus is to be held for which the nominations are made. They shall not be opened until the time fixed for their announcement.

SECTION 10. At the expiration of the time named at which nomination papers are to be filed, the secretary of the city or town committee at his office shall cause such papers to be publicly opened, and the nominations therein made to be publicly announced.

SECTION 11. In case of any error, irregularity or informality in a nomination paper which has been duly filed with the secretary of the city or town committee, he may make or cause to be made any changes necessary to bring it within the requirements hereinbefore mentioned. In default of such action he shall immediately notify the person filing the nomination paper, of such error, irregularity or informality, and the said voter may, within two week days of the time at which public announcement was made of the contents of nomination papers, make or cause to be made the change necessary to correct such error, irregularity or informality.

SECTION 12. In a city, in case of the non-receipt, as herein specified, of nomination papers placing persons in nomination for all the positions to be filled at the ensuing caucus, in accordance with the provisions hereinbefore given, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of any ward from which the requisite papers have not been filed. They or one of them shall forthwith call a meeting of the said committee, who may nominate candidates for any and all offices for which nomination papers have not been filed, and in case they make a nomination they shall immediately thereafter notify the secretary of the city committee of such action by filing with him nomination papers similar to those hereinbefore described, signed in their official capacity, by all the members of the committee who assent to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. Said paper shall have the same force and authority as those containing the signatures of five voters of the ward, and shall be considered and treated the same in all respects. If at the expiration of two week days after the time at which nomination papers were opened proper nomination papers have not been filed for all the positions to be filled, or in case of any vacancy caused by death or otherwise, except withdrawals, the chairman and secretary of the city committee as a committee may exercise the nominating powers herein vested in a ward committee, and nomination papers filed by them shall have the same force and authority as other nomination papers.

SECTION 13. In a town, in case of the non-receipt, as herein specified, of nomination papers placing persons in nomination for all the

positions to be filled at the ensuing caucus, in accordance with the provisions hereinbefore given, or in case of a vacancy caused by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of the said committee, who shall have all the powers relative to the nomination of candidates hereinbefore conferred upon a ward committee, a city committee, and the chairman and secretary of a city committee.

SECTION 14. If any person whose name has been presented on a nomination paper shall, within two week days of the published announcement thereof, file with the secretary of the city or town committee a written request for the withdrawal of his name, such request shall be complied with and the secretary of the city or town committee shall immediately notify the person filing the nomination paper of such withdrawal and the provisions of this section relating thereto; and the said person may, within twenty-four hours after the time at which said notice was sent from the secretary's office, present a new name on a paper signed by himself. Said new paper shall have the same force and authority as that originally presented. In case of the non-receipt of a new paper, as herein specified, the chairman and secretary of the city or town committee may fill the vacancy.

SECTION 15. Not less than seven week days prior to the day upon which the caucuses are to be held the secretary of each city or town committee shall place in the hands of the city or town clerk the nomination papers filed with him in accordance with the provisions of this act.

All nomination papers which are by this act required to be filed with the city or town clerk shall be filed in the office of the city or town clerk before five o'clock in the afternoon of the last day fixed by this act for the filing thereof.

SECTION 16. The city or town shall provide and the city or town clerk of such city or town shall prepare ballots to be used in caucuses, and such ballots shall be in accordance with the provisions of this act.

No other ballots shall be received or counted in a caucus in said city or town held under the provisions of this act.

At the top of each ballot shall be printed the words "The official ballot of (here shall follow the party name of the committee)." On the back and outside, when folded, of each ballot shall be printed the words "Official ballot of the (here shall be inserted the party name) city [or town] committee," followed by the number of the ward or the name of the town for which the ballot is prepared, the date of the caucus and a facsimile of the signature of the secretary of the party which has caused the ballot to be prepared. The chairman and secretary of the city or town committee may determine the number of ballots to be furnished each ward or town, not to exceed one for each registered voter in said ward or town. In case of their failure to do so, the city or town clerk shall determine the number.

SECTION 17. Names of candidates for all elective offices shall be arranged alphabetically according to their surnames.

Names of candidates for caucus officers, for ward or town committees and for delegates to conventions, may be arranged in groups in the order in which they are filed, but shall be arranged alphabetically according to their surnames whenever written request therefor is made to the secretary of the city or town committee, by any ward or town committee, or whenever the city or town committee shall vote so to do.

Against the name of a candidate for a caucus officer for an elective office or a ward or town committee shall be printed the street and number, if any, of his residence.

Against the name of a candidate for an elective office or a political convention shall be printed the statement which is contained in the nomination paper placing the candidate in nomination.

SECTION 18. No names shall be printed on a ballot other than those which have been duly presented on nomination papers.

Immediately following the names of candidates blank spaces for the insertion in writing of other names equal to the number of persons to be chosen shall be provided.

Upon the ballot shall be stated the number of persons to be voted for the different positions to be filled.

A star (*) against a name shall indicate that a person is a candidate for re-election.

A cross (X) marked against a name shall constitute a vote for the person so designated; but if a voter marks a cross against more names than there are persons to be elected to an office, his vote for that office shall not be counted. The form of ballots and the arrangement of printed matter thereon shall be in general that observed in ballots provided by the state at elections, except as herein otherwise provided.

SECTION 19. The city or town clerk of the city or town shall on the day on which a caucus is to be held, before the opening of the polls, deliver at the polling place to the warden, if present, or if not present then to the clerk, if both warden and clerk are absent then to any inspector who may be present, the sample ballots, together with the ballots hereinbefore provided for and the voting lists required by law to be used in caucuses. The city or town clerk shall also prepare at the expense of the city or town and deliver at the time and place aforesaid suitable blank forms and apparatus for canvassing and counting the ballots and making the returns required by this act, a seal of suitable device for each polling place, and a record book.

It shall be the duty of the presiding officer at each polling place, at or prior to the hour of opening the caucus, to cause to be conspicuously posted or placed in such polling place not less than six facsimile copies of the ballots to be used in the caucuses, such copies to be printed on tinted paper. They shall be kept so posted or placed during the whole time that balloting is in progress.

SECTION 20. The order of business in caucuses shall be as follows:

(1) Any necessary preliminary business that may properly come before the meeting shall first be transacted.

(2) Thereafter balloting shall be allowed to proceed uninterruptedly until half past eight o'clock in the evening, when the polls shall be closed unless the caucus shall vote to keep them open until a later hour.

(3) At the conclusion of the balloting, any other business properly before the caucus shall be in order.

SECTION 21. If at any caucus held under the provisions of this act the right of a person offering to vote is challenged for any cause recognized by law, the presiding officer shall require the name and residence of the person so offering to vote to be written by himself, or by some one in his behalf, on the outside of the ballot so offered, and the presiding officer shall add thereto the name of the person so challenging and the assigned cause for which the challenge is made, before such ballot is received; but nothing in this section shall be construed as permitting officers in the caucus to receive any ballot which by law they are required to refuse.

No officer, otherwise than as above-required or permitted, and no person other than an officer of the caucus, shall make any statement or give any information in regard to a ballot cast by a voter so challenged at any such caucus, except as required by law.

SECTION 22. Immediately after the polls are declared closed, but not before, the ballots shall be counted in full view of the voters. When the total result and counting of ballots has been ascertained the presiding officer shall make public announcement thereof in open meeting, and shall, in open meeting, cause the clerk of the caucus to enter in words at length in the record book, provided for his use by the city or town clerk, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes received for each person, and the title of the delegation or office for which he was proposed. Each clerk of a caucus shall forthwith make a copy of the record so made by him, certify and seal the same, and transmit the same with the record book to the city or town clerk, as hereinafter provided. The clerk shall then, in the presence of those who are responsible for the count and before the adjournment of the caucus, seal up all ballots which have been cast, together with the check lists used in the caucus and a statement regarding any challenge which has been made.

The warden and clerk of the caucus shall indorse upon such package the name of the political party holding the caucus, for what delegations and candidatures and in what ward the ballots were cast, and the date of the caucus. The warden shall forthwith transmit to the city or town clerk, by the police officer or by some other legal officer stationed by said clerk in attendance at the caucus, all the ballots cast and the voting lists, the copy of the records, sealed as aforesaid, together with the record book of the clerk. The city or town clerk shall safely keep such sealed packages for not less than three months, and shall produce the same if called for by any court, justice, tribunal or convention having jurisdiction of the same.

SECTION 23. If, within the twenty-four hours next succeeding the day of any caucus held under the provisions of this act, ten or more qualified voters of any ward or town shall file with the city or town clerk a statement that they have reason to believe that the records and returns made by the caucus officers of such ward or town are erroneous, and shall specify wherein they deem them in error, in the city of Boston the city clerk shall forthwith transmit such statement to the ballot law commission having jurisdiction in the premises, and in other cities and towns to the registrars of voters, together with the sealed package or packages containing all the ballots cast and voting lists used at such caucus, and said ballot law commission or registrars of voters, as the case may be, shall within two days next succeeding the day of such caucus open said package or packages and recount said ballots and determine the questions raised, and such recount shall stand as the true result of the vote cast in such caucus. And each candidate interested may appear and be present during such recount, either in person or by an agent appointed by him in writing.

SECTION 24. In any city or town after the passage of this act the city or town committee of any political party shall, at the written request of fifty voters, members of said party, call a caucus or caucuses of said party for the purpose of voting upon the question whether the provisions of this act shall be adopted by said political party in said city or town. The notice of said caucus or caucuses shall state the day, the place and the hour, not earlier than six o'clock in the evening and not later than half past seven o'clock in the evening, of holding said caucus or caucuses, and shall be issued at least seven days prior to the day named for said caucus or caucuses, and shall be published not less than twice in one or more local newspapers, if there are any such newspapers in such cities or towns, and shall be posted in at least five public places in each ward or town. The sense of said caucus or caucuses shall be taken by ballot and the polls shall be kept open at least one hour. If said political party shall by a majority of the votes cast at said caucus or caucuses vote to adopt the provisions of this act, nomination papers, ballots and other apparatus required for caucuses so held, shall be provided for said party at the expense of the city or town, and all caucuses of said political party in said city or town shall thereafter be conducted according to the provisions of this act.

SECTION 25. A political party of a city or town which has so accepted the provisions of this act may, however, at any other caucus or caucuses called for the purpose, upon notices given as aforesaid, held not less than one year after the date of the caucus or caucuses whereat said acceptance is voted, revoke such action by the affirmative vote of a majority of the voters entitled to vote in such caucus or caucuses present and voting by ballot thereon. The polls at said caucus or caucuses shall be kept open at least one hour. Whenever a political party in a city or town shall vote to accept the provisions of this act or to revoke such acceptance, the secretary of the city or town committee of

such political party shall, within ten days of such action, file with the secretary of the Commonwealth and with the clerk of the city or town and the secretary of the state committee of the political party so voting a notice of such action.

SECTION 26. In such city or town in each year at the caucus held in a ward or town for the choice of delegates to the state convention there shall be chosen one warden, one clerk and at least five inspectors, and such additional inspectors in wards having more than five precincts as the city committee of the political party whose caucuses are to be held may each year determine. They shall be qualified voters of the ward or town in which they are elected and members of the political party whose caucus is to be held. Every caucus officer so elected shall hold office for the term of one year, beginning with the first day of October succeeding his election and until his successor is elected.

SECTION 27. The respective duties of caucus officers shall be in general the same as those required of election officers at elections, as provided in chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and all acts in amendment thereof. They shall, for the performance of their respective duties, attend in their respective wards or towns at the times and places duly designated for caucuses.

SECTION 28. If at any caucus a majority of the caucus officers shall so vote, additional officers, to serve in that caucus only, may be elected by a majority vote of the caucus officers present and voting thereat, and in case of the absence of any caucus officer the vacancy thus occurring shall be filled in the same manner.

In case of a vacancy in the number of caucus officers by death, declination of election, resignation, removal from the city or town, or otherwise, the vacancy shall be filled by a majority vote of all the remaining caucus officers. A removal from the ward or town during the year for which an officer was elected shall not disqualify him from serving in the caucus of the ward or town wherein he was elected.

No person shall be eligible to the position of warden or clerk who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for an elective office or for a nomination to an elective office, or candidate for ward or town committee.

SECTION 29. A city or town committee of a political party which shall adopt the provisions of this act shall, not less than ten days prior to holding any caucus under its provisions, appoint such caucus officers as are hereinbefore provided for in each ward or town to serve at the first caucus to be held after the adoption of this act.

[SECTION 30. In the case of a newly incorporated city, or in the case of re-division into wards of a city to which the provisions of this act apply, at the first caucuses held in the next succeeding year the caucus officers to serve in such caucuses shall be appointed by the city committee; and at the aforesaid caucuses the regular caucus officers shall

be chosen as hereinbefore provided. Each officer so chosen shall hold office for one year from the first day of October succeeding his election and until his successor is elected. In case of such re-division of a city into wards any political party may in the next succeeding year elect its ward committees, to serve for such terms, not exceeding the length of the terms for which the former committees were chosen, as the city committee existing at the time of calling the caucuses may determine, and thereafter shall elect such committees at the times and for the terms prescribed by law.]

SECTION 31. All caucuses held under the provisions of this act, except as is herein otherwise provided, shall be held in general accordance with the provisions relative to the conduct of elections and the manner of voting at elections contained in chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof.

SECTION 32. The penalties imposed by law upon officers and voters who violate the provisions of acts regulating state elections are hereby imposed upon officers and voters who violate the provisions of this act. The supreme judicial court and the superior court shall have full power at law or in equity to enforce the provisions of this act.

SECTION 33. All acts or parts of acts inconsistent herewith are hereby repealed. [*Approved June* 5, 1895.]

APPENDIX H.

FORMS USED BY CITIZENS' ASSOCIATIONS.

I.

The Library Hall Association of Cambridge, Mass. Notification of election to membership with accompanying copy of the By-Laws of the Association.

Library Hall Association of Cambridge.

....

Treasurer. President. Secretary.

CAMBRIDGE, Nov^r. 21, 1892.

Mr.....

Dear Sir:

Your name having been proposed for membership and approved by the Executive Committee, you can become a member of this Association as provided in Article III. of the by-laws. Please sign the enclosed card, and return the same with amount of admission fee (one dollar) to the Secretary, 86 Mt. Auburn Street. A copy of the by-laws is herewith enclosed.

Yours respectfully,

.....

Secretary.

BY LAWS.

Article I. Name.

The name of this Association shall be The Library Hall Association of Cambridge.

Article II. Object.

The purposes of this Association shall be to secure the nomination and election of proper candidates for municipal offices; to procure the punishment of all persons who may be guilty of election frauds, maladministration of office or misappropriation of public funds; to advocate and promote a public service based upon character and capability only; and to promote intelligent discussion of municipal affairs by the publication and distribution of reliable information in relation thereto.

Article III. Membership.

Any citizen of Cambridge shall be eligible to membership without regard to his political preferences. Proposals for membership shall be made in writing to the Executive Committee in such form as they may provide, and if approved by three-fourths of that Committee the applicant shall become a member upon signing these By-Laws and payment of the admission fee. Proposals not approved by the Executive Committee may be referred by any member to the Association, which may, by a three-fourths vote of all present at any meeting, elect said applicant. The Executive Committee shall investigate charges of misconduct against any member of the Association, and report to the Association such recommendations as they may deem desirable in relation to the same. The Association may then, by three-fourths vote of all present expel said member, provided he shall be notified of the proposed action and be heard in his own behalf, if he so desires. Any member not in arrears, may at any time resign his membership by sending a written notice to the Secretary.

Article IV. Officers.

The officers of the Association shall be a President, one Vice-President from each Ward, a Treasurer, a Secretary, three Auditors and an Executive Committee of five from each Ward who shall, after the first organization, be elected at the annual meeting in October, and hold office until their successors are elected. The President, Treasurer and Secretary shall also be ex-officio members of the Executive Committee. No person holding any salaried position under the National, State, or City Government, and no member of either branch of the City Council shall be eligible for election to any office of the Association. Any officer of

the Association who shall become a candidate for any of the above offices shall cease to hold his position as an officer of this Association, and the Executive Committee shall immediately choose a member to fill the vacancy for the remainder of the term of said officer. The Executive Committee may employ such assistance as they may deem necessary in the prosecution of the work of the Association, provided that no expense shall be incurred beyond the amount of money in the Treasury not appropriated for other purposes. The Treasurer, Secretary and Executive Committee, shall, at the October meeting, present a report of their work for the preceding year. And the Treasurer shall also, at the December meeting, present a detailed report of the expenditures of the Association in the last preceding municipal campaign, which shall be audited and printed in one or more newspapers published in Cambridge.

Article V. Fees.

Every member shall pay to the Treasurer the sum of *one* dollar as an admission fee, and upon the first day of October in each year, he shall pay an annual assessment of *one* dollar. Any member refusing or failing to pay any assessment for one month after the same becomes payable shall thereby lose his membership, unless the Executive Committee shall relieve him from said payment by a two-thirds vote.

Article VI. Meetings.

The Association shall hold meetings on the last Monday in October, December and March, and at such other times as the interests of the Association may require. Special meetings of the Association shall be called by the Secretary by order of the Executive Committee, or upon the written request of ten members, stating the reason therefor. The Secretary shall mail to each member a printed notice of the time and place of every meeting, stating the purpose for which it is called. At special meetings no business shall be transacted except that specified in the notice of the meeting. At any meeting of the Association one-tenth of all the members shall constitute a quorum; ten members of the Executive Committee shall be a quorum to transact all business except the admission of members.

Article VII. Amendments.

These By-Laws may be amended by a vote of two-thirds of those present at any meeting of the Association, the proposed amendment having been printed upon the notice for the meeting at which said vote is taken. In no case shall these By-Laws, or any of them, be suspended.

II.

The Library Hall Association: Postal card containing notice of the annual meeting of the Association for the purpose of endorsing candidates for the municipal election; and also the admission card sent to each member of the Association.

The Library Hall Association of Cambridge.

GEORGE CLOSE, Treasurer, 243 Broadway.	RICHARD H. DANA, President.	GEORGE G. WRIGHT, Secretary, 86 Mt. Auburn Street.

CAMBRIDGE, Nov. 27, 1893.

In accordance with a vote of the Executive Committee, the members are requested to meet at

THE CITIZENS' TRADE ASSOCIATION HALL, 604 MAIN ST., MONDAY, NOVEMBER 27, AT 7.30 P. M.,

to consider what action shall be taken by this Association in regard to the municipal election in December.

As this is not a public meeting, none but members will be admitted to the Hall.

The BLUE card, mailed Nov. 24, must be presented at the door.

The hour is 7.30 TO-NIGHT.

GEORGE G. WRIGHT, *Secretary.*

[COPY OF BLUE CARD.]

422 1893.

The Library Hall Association of Cambridge.

GEORGE CLOSE, Treasurer, 243 Broadway.	RICHARD H. DANA, President.	GEORGE G. WRIGHT, Secretary, 86 Mt. Auburn Street.

ADMIT MR. ..... to

The Citizens' Trade Association Hall, 604 Main Street, Monday, Nov. 27, at 7.30 P. M.

GEORGE G. WRIGHT,
Secretary.

This ticket is Not Transferable, and will admit only the person named thereon.

III.

The Library Hall Association: Sample ballot used in endorsing candidates for the Board of Aldermen, at the meeting held in November, 1892.

The Library Hall Association of Cambridge.

GEORGE CLOSE, Treasurer. RICHARD H. DANA, President. GEORGE G. WRIGHT, Secretary.

FOR ALDERMEN. Mark for Eleven.

The City Charter provides that the Board of Aldermen shall consist of eleven members, who shall be chosen by the qualified voters of the whole city. They may be all chosen from one ward.

WARD ONE.

*RUSSELL BRADFORD,	375 Harvard St.,	Lawyer,	Temple Hall.
*EDWARD B. JAMES,	88 Lakeview Ave.,	Lumber dealer,	Democratic.
ANDREW JACKSON JONES,	52 Mt. Auburn St.,	Carriage builder,	Democratic.
*MARSHALL N. STEARNS,	44 Wallace St.,	Mason,	Temple Hall.

WARD TWO.

*LOUIS F. BALDWIN,	196 Prospect St.,	Manager,	Nomination paper.
WALWORTH O. BARBOUR,	8 Bigelow St.	Machinist,	Democratic.
*WELLINGTON FILLMORE,	155 Washington St.,	Builder,	Temple Hall.
EDWARD H. NORTON,	402 Winsor St.,		Democratic.
*ANDREW J. RADY,	254 Broadway,	Druggists' sundries,	Temple Hall.
*PETER F. ROURKE,	197 Harvard St.,	Grocer,	Temple Hall.

WARD THREE.

*PETER P. BLEILER,	60 Spring St.,	Cigar manufac'r,	Temple Hall.
*JOHN S. CLARY,	75 Otis St.,	Lumber,	Nomination paper.
*JOHN H. PONCE,	84 Thorndike St.,	Lawyer,	Democratic, Temple Hall.
JOHN J. SCOTT,	90 Spring St.,	Student,	Democratic.

WARD FOUR.

*CHARLES W. CHENEY,	351 Pearl St.,	Salesman,	Temple Hall.
CHARLES W. HENDERSON,	238 Pearl St.,	Paper stock,	Democratic.
WILLIAM F. McCORMICK,	56 Austin St.,	Grocer,	Democratic.
CHARLES H. MILLNER,	39 Western Ave.,	Plumber,	Democratic.
*JOHN G. THOROGOOD,	103 Allston St.,	Foreman,	Temple Hall.

WARD FIVE.

WILLIAM A. BOCK,	347 North Ave.,	Florist,	Democratic.
MICHAEL CORCORAN,	44 Hudson St.,	Printer,	Democratic.
WATSON G. CUTTER,	37 Linnæan St.,	Real estate,	Temple Hall.
*WALTER H. LERNED,	319 North Ave.,	Dealer in butter,	Temple Hall.

* Member of City Council, 1893.

IV.

The Library Hall Association: Sample ballot used in endorsing a candidate for Mayor at the meeting held November 27, 1893.

The Library Hall Association of Cambridge.

FOR MAYOR.

*WILLIAM A. BANCROFT,	5 Putnam Avenue,	Lawyer,	Temple Hall.
JOSEPH J. KELLEY,	110 Otis Street,	Undertaker,	Democratic.

* Present incumbent.

V.

The Library Hall Association: Sample ballot used in endorsing candidates for the Common Council, used at the meeting held Nov. 27, 1893.

The Library Hall Association of Cambridge.

GEORGE CLOSE,	RICHARD H. DANA,	GEORGE G. WRIGHT,
Treasurer.	President.	Secretary.

FOR COMMON COUNCIL.

WARD TWO.—Mark for Five.

FRANK J. CARNES,	70 Harvard St.,	Boot maker,	Democratic.
*CHARLES M. CONANT,	22 Lee St.,	Moulding mill,	Temple Hall.
WILLIAM R. DAVIS,	174 Columbia St.,	Cooper,	Temple Hall.
JAMES A. DONOVAN,	31 Tremont St.,	Salesman,	Democratic.
JOHN A. ELLIOTT,			Democratic.
J. WALTER FARRELL,	73 Inman St.,	Clerk,	Temple Hall.
FRANK McLAUGHLIN,	21 Washington St.,	Rubber cutter,	Democratic.
JAMES F. MULLEN,	98 Norfolk St.,	Undertaker,	Democratic.
JOHN L. ODIORNE,	287 Harvard St.,	Real estate,	Temple Hall.
CHARLES H. TITUS,	50 Antrim St.,	Milk dealer,	Temple Hall.

* Member of City Council, 1893.

NOTE.—The designation "democratic" occurring after some of the names on the above ballots would seem to contradict the statement in the text, that national party lines are not drawn in municipal elections in Cambridge. The Democratic City Committee, however, in 1893, did attempt to draw party lines at the city election, but their nominees met with such a crushing defeat at the polls that the experiment has not been repeated.

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